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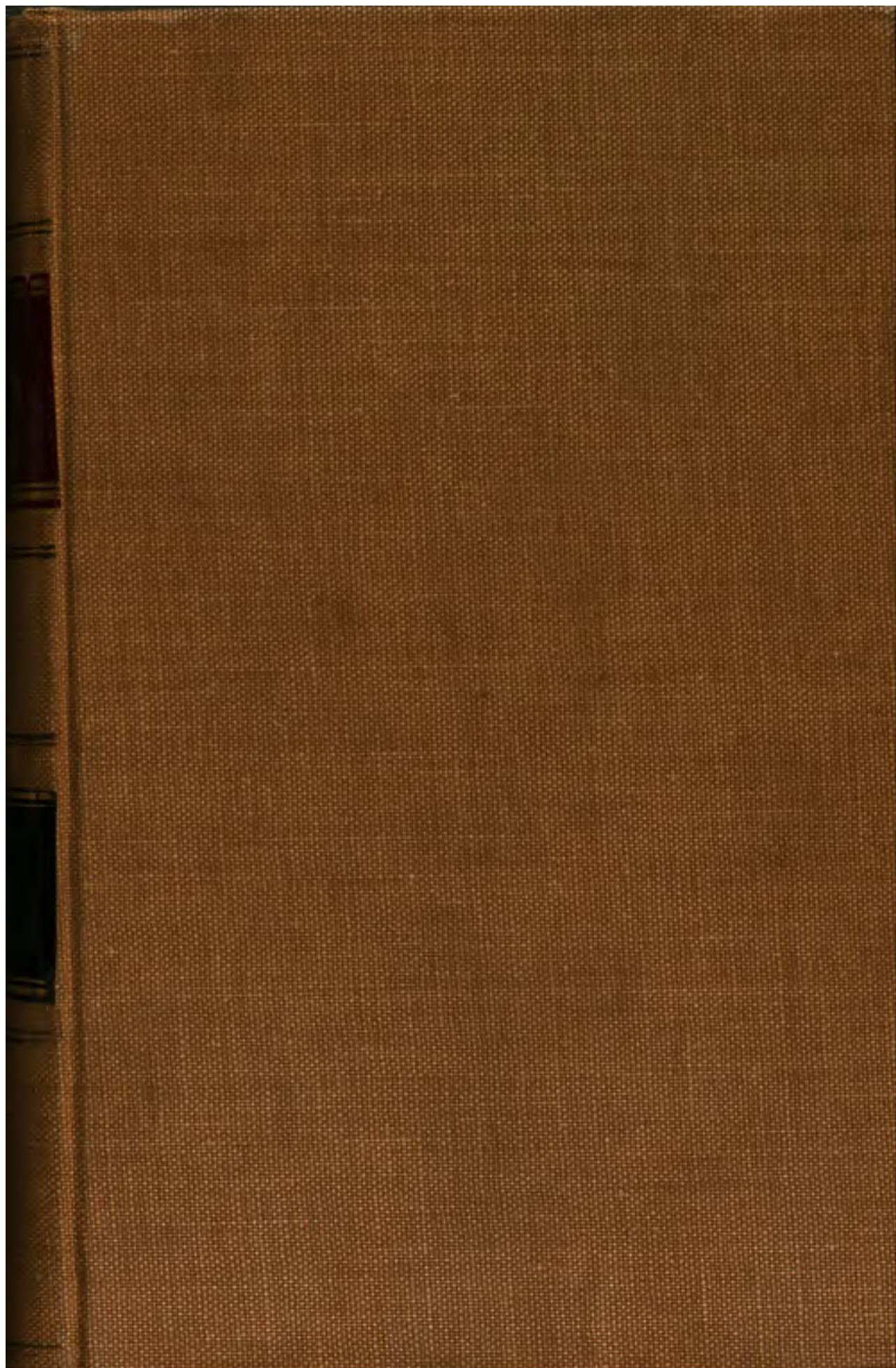
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copy 6

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts,
IN THE YEAR
1892,
TOGETHER WITH
THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.
PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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A CONSTITUTION
OR
FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic
how formed
its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

CONSTITUTION OF THE

an original, explicit, and solemn compact with each other ; and of forming a new constitution of civil government, for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and
natural rights of
all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing, and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty
of public reli-
gious worship.
Protection
therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession of sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment,
Art. XI. substi-
tuted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality ; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers

Legislature em-
powered to com-
pel provision for
public worship ;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoy attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected.
8 Met. 162.
Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of gov-
ernment; right
of people to
institute and
change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people
to secure rota-
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the
qualifications
prescribed,
equally eligible
to office.
For the defini-
tion of "inhabit-
ant," see Ch. 1,
Sect. 2, Art. II.
Right of protec-
tion and duty of
contribution
correlative.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation found-
ed on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
1 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.
Private prop-
erty not to be
taken for public
uses without,
etc.
6 Cush. 327.
14 Gray, 155.
16 Gray, 417,
431.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

| | | | |
|---------------------|---------------------|---------------------|---------------------|
| 1 Allen, 150. | 103 Mass. 120, 624. | 113 Mass. 45. | 127 Mass. 50, 52. |
| 11 Allen, 530. | 106 Mass. 356, 362. | 116 Mass. 463. | 358, 363, 410, 413. |
| 12 Allen, 223, 230. | 108 Mass. 202, 213. | 126 Mass. 428, 441. | 129 Mass. 559. |
| 100 Mass. 544, 510. | 111 Mass. 130. | | |

Remedies, by
recourse to the
law, to be free,
complete and
prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it;

completely, and without any denial ; promptly, and without delay ; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him ; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him ; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180. 118 Mass. 443, 451. 122 Mass. 332. 127 Mass. 550, 554.
108 Mass. 5, 6. 120 Mass. 118, 120. 124 Mass. 464. 129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 573.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure : and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury ; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 388, 390. 122 Mass. 505, 516. 125 Mass. 182, 188.
120 Mass. 320, 321. 123 Mass. 590, 593. 128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or
fines, and cruel
punishments,
prohibited.
5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their
office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.
116 Mass. 317.
129 Mass. 559.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. 3 Mass. 567.

General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 116 Mass. 467, 470.

may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

may impose taxes, etc.
 12 Mass. 252.
 5 Allen, 428.
 6 Allen, 558.
 8 Allen, 247, 253.
 10 Allen, 235.
 11 Allen, 268.
 12 Allen, 77, 223, 235, 239, 240, 298, 300, 312, 313, 500, 612.
 98 Mass. 19.
 100 Mass. 285.
 101 Mass. 575, 685.
 103 Mass. 267.
 114 Mass. 388, 391.
 116 Mass. 461.
 118 Mass. 386, 389.
 123 Mass. 493, 495.
 127 Mass. 413.

may impose taxes, etc., to be disposed of for defence, protection, etc.
 8 Allen, 247, 256.
 Valuation of estates once in ten years, at least, while, etc.
 8 Allen, 247.
 126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.
 Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

For provision as to councillors, see amendments, Art. XVI.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc., of its own members.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled. Changed to election by people. See amendments, Art. XXIV.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

Senate not to adjourn more than two days.

shall choose its officers and establish its rules.

shall try all impeachments.

Oath.

Limitation of sentence.



least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Not to adjourn more than two days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

Quorum. See amendments, Arts. XXI. and XXXIII.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc. May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

Requirement of religious declaration abolished by amendments, Art. VII.

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall,

in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X. Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access. Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned. Governor and council may pardon offences, except, etc.
But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment. Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank. Militia officers, how elected
Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected. How commissioned.
Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor. Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec- Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 598.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. The requirement of a declaration of belief in the christian religion was abolished by amendments, Art. VII.

How chosen.

Election by plurality pro-

vided for by
amendments,
Art. XIV.

President of
council.
Lieutenant-
governor a
member of,
except, etc.

Lieutenant-
governor to be
acting governor,
in case, etc.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of
councillors
changed to
eight.
See amend-
ments, Art.
XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from
whom, and how
chosen.
Modified by
amendments,
Arts. X and
XIII.
Superseded by
amendments,
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-
come council-
lors, their seats
to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer, and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600, 126 Mass. 537, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 106 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants,
etc., confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII.
12 Allen, 500-503.
103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[“ I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*"I do swear," "and abjure," "oath or," "and abjuration,"* in the first oath, and in the second oath, the words] *"swear and,"* and [in each of them] the words *"So help me, GOD;"* subjoining instead thereof, *"This I do under the pains and penalties of perjury."*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. 1 Allen, 553.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

Property quali-
fications may
be increased.
See amend-
ments, Art.
XIII.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 692.
3 Met. 68.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 69.
2 Mass. 634.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “ Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court
empowered to
charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXX. and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.
7 Gr. y., 299.
122 Mass. 595, 597.
124 Mass. 596.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding

such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Arts. XXVIII. and XXXI.

Notaries public, how appointed and removed.

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Commissary-general may be appointed, in case, etc.

Militia officers, how removed.

Who may vote for captains and subalterns.

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

Proviso. Quakers may affirm.

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

**Incompatibility
of offices.
122 Mass. 445,
600.
123 Mass. 535.**

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

**Amendments to
constitution,
how made.**

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

fied voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political year,

and termination.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first

Article, when to
go into opera-
tion.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years. 122 Mass. 595.]

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Base of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the

manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

School moneys not to be applied for sectarian schools. For original provision as to schools, see constitution, Part First, Art. III.

12 Allen, 500,
508.
103 Mass. 94, 96.

Legislature to
prescribe for
the election of
sheriffs, regis-
ters of probate,
etc., by the
people.
8 Gray, 1.
13 Gray, 74.
110 Mass. 172,
173.

Reading consti-
tution in English
and writing.
necessary quali-
fications of
voters.
Provido.
For other quali-
fications, see
amendments,
Art. III.
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ments, Art.
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Census of legal
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See P. S. c. 31.

House of repre-
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consist of 240
members.
Legislature to
apportion, etc.
10 Gray, 613.

ence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.

- thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]
- Voters to be basis of apportionment of senators.**
- Senate to consist of forty members.**
- Senatorial districts, etc.**
- See amendments, Art. XXIV.**
- Qualifications of senators.**
- Quorum, see amendments, Art. XXXIII.**
- Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.**
- Vacancies in the senate.**
- Vacancies in the council.**
- ART. XXIII.** [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]
- ART. XXIV.** Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.
- ART. XXV.** In case of a vacancy in the council, from a failure of election, or other cause, the senate and house

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

Voters not disqualified by reason of change of residence until six months from time of removal.

Amendments,
Art. XXVIII.
amended.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III. relative
to payment of a
tax as a voting
qualification,
annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXI. Article twenty-eight of the Amendments of the Constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words: — receiving or having received aid from any city or town, — and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

ART. XXXII. So much of article three of the Amendments of the Constitution of the Commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections,

agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1887.

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The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

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ACTS AND RESOLVES
OF
MASSACHUSETTS.

1892.

 The General Court of 1892 assembled on Wednesday, the sixth day of January. The oaths of office were taken and subscribed by His Excellency WILLIAM E. RUSSELL, and His Honor WILLIAM H. HAILE, on Thursday, the seventh day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND MILEAGE OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH. *Chap. 1*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit:—

For the compensation of senators, thirty thousand seven hundred and fifty dollars. *Senators, compensation.*

For the mileage of senators, a sum not exceeding four hundred and fifty dollars. *Mileage.*

For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. *Representatives, compensation.*

For the mileage of representatives, a sum not exceeding twenty-five hundred dollars. *Mileage.*

For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each. *Chaplains.*

For the salaries of the doorkeepers of the senate and house of representatives, fourteen hundred dollars each. *Doorkeepers.*

For the compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-four thousand one hundred dollars. *Postmaster, messengers, pages, etc.*

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars. *Contingent expenses.*

For the payment of postage and expressage on documents sent to members of the general court, to include expenses incurred in packing the same, a sum not exceeding fifteen hundred dollars. *Postage, etc., on documents sent to members.*

Witnesses before committees.

For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.

Expenses of committees.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1892.

Chap. 2 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENT OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit : —

SUPREME JUDICIAL COURT.

Supreme judicial court, chief justice.

For travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.

Associate justices.

For travelling expenses of the associate justices of the supreme judicial court, three thousand dollars.

Clerk.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Clerical assistance.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

Expenses.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Reporter of decisions.

For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of the reporter, one thousand dollars.

Officers and messenger.

For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

Clerk for Suffolk.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

SUPERIOR COURT.

For the salary and travelling expenses of the chief justice of the superior court, six thousand dollars. Superior court, chief justice.

For the salaries and travelling expenses of the thirteen associate justices of the superior court, seventy-one thousand five hundred dollars. Associate justices.

For the salary of the ex-chief justice of the superior court, now retired, twenty-seven hundred and fifty dollars. Ex-chief justice, retired.

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, five thousand dollars. Judge of probate and insolvency, Suffolk.

For the salary of the judge of probate and insolvency for the county of Middlesex, four thousand dollars. Middlesex.

For the salary of the judge of probate and insolvency for the county of Worcester, three thousand dollars. Worcester.

For the salary of the judge of probate and insolvency for the county of Essex, thirty-five hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-five hundred dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, twenty-five hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, sixteen hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, twenty-five hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, fourteen hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, fourteen hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, twelve hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, six hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes County, six hundred dollars. Dukes County.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Register, — Suffolk.

For the salary of the register of probate and insolvency for the county of Middlesex, twenty-two hundred dollars. Middlesex.

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| Worcester. | For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. |
| Essex. | For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. |
| Norfolk. | For the salary of the register of probate and insolvency for the county of Norfolk, fifteen hundred dollars. |
| Bristol. | For the salary of the register of probate and insolvency for the county of Bristol, eighteen hundred dollars. |
| Plymouth. | For the salary of the register of probate and insolvency for the county of Plymouth, fifteen hundred dollars. |
| Hampden. | For the salary of the register of probate and insolvency for the county of Hampden, eighteen hundred dollars. |
| Hampshire. | For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred dollars. |
| Berkshire. | For the salary of the register of probate and insolvency for the county of Berkshire, sixteen hundred dollars. |
| Franklin. | For the salary of the register of probate and insolvency for the county of Franklin, fourteen hundred dollars. |
| Barnstable. | For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars. |
| Nantucket. | For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars. |
| Dukes County. | For the salary of the register of probate and insolvency for the county of Dukes County, six hundred dollars. |
| Assistant register, — Suffolk. | For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars. |
| Middlesex. | For the salary of the assistant register of probate and insolvency for the county of Middlesex, two thousand dollars. |
| Worcester. | For the salary of the assistant register of probate and insolvency for the county of Worcester, eighteen hundred dollars. |
| Essex. | For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars. |
| Norfolk. | For the salary of the assistant register of probate and insolvency for the county of Norfolk, eleven hundred dollars. |
| Clerk, — Suffolk. | For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, twelve hundred dollars. |
| Clerical assistance, — Suffolk. | For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, fifteen hundred dollars. |

For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding two thousand dollars. Middlesex.

For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding one thousand dollars. Essex.

For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars. Bristol.

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding thirteen hundred and fifty dollars. Worcester.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, for the purpose of arranging and indexing the files and records in his office, a sum not exceeding six hundred dollars. Plymouth.

For extra clerical assistance to the register of probate and insolvency for the county of Hampshire, for the purpose of arranging and indexing the files and records in his office, a sum not exceeding one hundred and fifty dollars. Hampshire.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk county, a sum not exceeding sixty-four hundred and sixty-six dollars and sixty-six cents. Extra clerical assistance in the several counties.

For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, five thousand dollars. District attorney, — Suffolk.

For the salary of the first assistant district attorney for Suffolk district, twenty-eight hundred dollars. First assistant.

For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars. Second assistant.

For the salary of the clerk for the district attorney for Suffolk district, eighteen hundred dollars. Clerk.

For the salary of the district attorney for the northern district, twenty-four hundred dollars. District attorney, — northern district.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the district attorney for the southeastern district, twenty-one hundred dollars. Southeastern district.

Southern district.

For the salary of the district attorney for the southern district, eighteen hundred dollars.

Middle district.

For the salary of the district attorney for the middle district, twenty-four hundred dollars.

Western district.

For the salary of the district attorney for the western district, twenty-one hundred dollars.

Northwestern district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

Chap. 3

AN ACT TO AUTHORIZE THE CITY OF SALEM TO ISSUE BONDS, NOTES OR SCRIP, FOR THE PURPOSE OF PAYING OR REFUNDING ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

City of Salem may issue bonds.

SECTION 1. The city of Salem, for the purpose of paying or refunding any indebtedness already incurred or authorized by said city, including any of its water debt or of its other debts now outstanding, and including also any notes of said city given by it to the commissioners or trustees of its sinking funds, may from time to time issue bonds, notes or scrip to an amount not exceeding one hundred thousand dollars, payable in periods not exceeding thirty years from the date of issue, and bearing interest at rates not exceeding five per centum per annum; but the provisions of chapter twenty-nine of the public statutes, of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, and of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, shall in all other respects apply to the issue of said bonds, notes or scrip, and to the establishment of a sinking fund or annual proportionate payments for the payment thereof at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

Chap. 4

AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, PURCHASE OF PAPER, PUBLISHING LAWS, AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the

thirty-first day of December in the year eighteen hundred and ninety-two, to wit : —

For printing and binding the series of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding fifty thousand dollars.

Printing and binding public documents.

For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding twenty-five hundred dollars.

Pamphlet edition of acts and resolves.

For printing and binding the blue book edition of the acts and resolves of the present year, with the governor's message and other matters in the usual form, a sum not exceeding five thousand dollars.

Blue book edition of acts and resolves.

For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Newspaper publication of laws, etc.

For reports of decisions of the supreme judicial court, a sum not exceeding twenty-four hundred dollars.

Term reports.

For reports of decisions of the supreme judicial court to be furnished to each newly incorporated town by the secretary of the Commonwealth, a sum not exceeding five hundred dollars.

Reports distributed to towns.

For assessors' books and blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding twelve hundred dollars.

Assessors' books and blanks.

For registration books and blanks, indexing returns and editing registration report, a sum not exceeding forty-five hundred dollars.

Registration.

For the purchase of paper for the Commonwealth, used in the execution of the contract for the state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

Paper for state printing.

For printing and distributing ballots at the public expense, cast in elections for national, state, district and county officers in the cities and towns in the Commonwealth, a sum not exceeding fifteen thousand dollars.

Printing and distributing ballots.

For repairs, improvements in and inspection of ballot boxes in the possession of the several cities and towns in the Commonwealth, a sum not exceeding two thousand dollars, for blank forms for town officers, and for laws and instructions on all matters relating to elections, to be provided by the secretary of the Commonwealth, a sum not exceeding two thousand dollars.

Ballot boxes, blanks, laws and instructions for elections.

For providing election officers at each polling place in the Commonwealth with blank forms and suitable apparatus

Blank forms, etc., for election officers.

for the count and canvass of the votes cast at each state, city and town election, a sum not exceeding five thousand dollars.

Early acts and
resolves.

For collating, indexing and publishing, in a style similar to that in which the blue books, so-called, are now published, all the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, a sum not exceeding fifty-five hundred dollars.

Printing and
binding ordered
by the legisla-
ture.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty-four thousand five hundred dollars.

Tables and in-
dexes relating
to the statutes.

For the preparation of tables and indexes relating to the statutes of the present and previous years, under the direction of the governor, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

Chap. 5 AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL EXPENSES.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet sundry agricultural expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit : —

Bounties to soci-
eties.

For bounties to agricultural societies, twenty-one thousand five hundred dollars.

State board of
agriculture, —
expenses of
members.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding nineteen hundred dollars.

Incidental ex-
penses.

For incidental expenses of the state board of agriculture, a sum not exceeding five hundred dollars.

Expenses of sec-
retary.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars.

Trustees of agri-
cultural college.

For travelling and other necessary expenses of the trustees of the Massachusetts agricultural college, a sum not exceeding five hundred dollars.

Farmers' insti-
tutes.

For the dissemination of useful information in agriculture, by means of lectures at farmers' institutes, a sum not exceeding fourteen hundred dollars.

For assistants, experts, chemists, agents, and other necessary expenses of the state dairy bureau, a sum not exceeding four thousand dollars.

State dairy bureau.

For purchasing nails or spikes to be driven into certain trees designated by the authorities of cities and towns, for the purpose of preserving ornamental and shade trees on public highways, a sum not exceeding one hundred dollars.

Trees on public highways.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding five thousand dollars.

Contagious diseases among animals.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL AND CONTINGENT EXPENSES OF THE LEGISLATIVE AND EXECUTIVE DEPARTMENTS OF THE COMMONWEALTH.

Chap. 6

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit:—

Appropriations.

LEGISLATIVE DEPARTMENT.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding nine hundred dollars.

Senate, stationery.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding sixteen hundred dollars.

House of representatives, stationery.

For books, stationery, postage, printing and advertising ordered by the sergeant-at-arms, a sum not exceeding six hundred dollars.

Sergeant-at-arms, — stationery.

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

Incidental expenses.

EXECUTIVE DEPARTMENT.

For contingent expenses of the executive department, the sum of three thousand dollars.

Executive department, — expenses.

For postage, printing and stationery for the executive department, a sum not exceeding eight hundred dollars.

Postage, printing, etc.

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| Governor and council. | For contingent expenses of the governor and council, a sum not exceeding two thousand dollars. |
| Executive council. | For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars. |
| Secretary of the Commonwealth. | For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding thirty-five hundred dollars. |
| Treasurer and receiver-general. | For incidental and contingent expenses in the department of the treasurer and receiver-general, a sum not exceeding thirty-two hundred and fifty dollars. |
| Auditor of the Commonwealth. | For incidental and contingent expenses in the department of the auditor of the Commonwealth, a sum not exceeding one thousand dollars. |
| Attorney-general. | For books, stationery, postage, printing and other necessary expenses in the department of the attorney-general, a sum not exceeding twenty-two hundred dollars; and for expenses of civil actions, a sum not exceeding eight hundred dollars. |

STATE HOUSE EXPENSES, ETC.

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| State house,—repairs, etc. | For repairs, improvements and furniture at the state house, a sum not exceeding ten thousand dollars. |
| Fuel and lights. | For fuel and lights for the state house, a sum not exceeding six thousand dollars. |
| Commonwealth building. | For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars. |
| No. 13 Beacon street,—rent. | For rent of house numbered thirteen Beacon street, for use of certain commissions of the Commonwealth, a sum not exceeding fifty-seven hundred dollars. |
| Furniture and repairs. | For such repairs as may be necessary, for furniture and repairs to the same, services of janitor and other necessary expenses at house numbered thirteen Beacon street, a sum not exceeding thirty-eight hundred dollars. |
| Elevators at state house. | For the compensation of the men employed to run the elevators at the state house, and for all other necessary expenses in connection therewith, the same to include all necessary repairs to said elevators, a sum not exceeding three thousand dollars. |

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF STATE AND MILITARY AID AND FOR EXPENSES IN CONNECTION THEREWITH. *Chap. 7*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding four hundred and ninety-five thousand dollars, the same to be paid on or before the first day of December in the year eighteen hundred and ninety-two. State and military aid.

For postage, printing and other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars. Postage, printing, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN ALLOWANCES AUTHORIZED BY THE LEGISLATURE. *Chap. 8*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, to provide for certain yearly allowances authorized by the legislature, to wit: —

For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars. Obstructions in tide waters.

For maintaining an agricultural experimental station at the Massachusetts agricultural college, in the town of Amherst, the sum of ten thousand dollars. Agricultural experimental station.

For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars. Agricultural college.

For the Massachusetts agricultural college, the sum of ten thousand dollars, to be expended under the direction of the trustees, for the following purposes, to wit: five thousand dollars for the establishment of a labor fund to Aid to students, etc.

assist needy students of said college, and five thousand dollars to provide the theoretical and practical education required by its charter and the law of the United States relating thereto.

School for the feeble-minded.

For the Massachusetts school for the feeble-minded, the sum of twenty-five thousand dollars.

School for the blind.

For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars.

School superintendents in small towns.

To enable small towns to provide themselves with school superintendents, a sum not exceeding thirty-five thousand dollars.

Inspection of food and drugs.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding eleven thousand five hundred dollars.

Extraordinary expenses.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding twenty thousand dollars.

Premiums on securities.

For the payment of premiums on securities purchased for the Massachusetts school fund, a sum not exceeding fifty thousand dollars.

State farm at Bridgewater.

For the erection of a new building, and for the construction of one hundred additional cells to the workhouse department, at the state farm at Bridgewater, a sum not exceeding twenty thousand dollars, the same to be in addition to the twenty thousand dollars appropriated by chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety-one.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

Chap. 9

AN ACT MAKING APPROPRIATIONS FOR THE PRISON AND HOSPITAL LOAN SINKING FUND, THE STATE HOUSE LOAN SINKING FUND, 1901, AND THE STATE HOUSE CONSTRUCTION LOAN SINKING FUND.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes herein specified, to wit: —

Prison and hospital loan sinking fund.

For the prison and hospital loan sinking fund, as provided for in chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, the sum of sixty thousand dollars.

State house loan sinking fund.

For the state house loan sinking fund, due in the year nineteen hundred and one, as provided for in chapter two

hundred and twenty-four of the acts of the year eighteen hundred and ninety-one, the sum of forty-five thousand dollars.

For the state house construction loan sinking fund, as provided for in section eight of chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, being the estimate of the treasurer and receiver-general, the sum of ninety-two thousand thirty-eight dollars and sixty-five cents. State house construction loan sinking fund.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE DISTRICT POLICE.

Chap. 10

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses of the district police during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: — Appropriations.

For the salary of the chief of the district police, a sum not exceeding two thousand dollars. District police, salary of chief.

For the salary of the first clerk in the office of the chief of the district police, the sum of fifteen hundred dollars. First clerk.

For the salary of the second clerk in the office of the chief of the district police, the sum of eight hundred dollars. Second clerk.

For the compensation of the thirty-six members of the district police, a sum not exceeding fifty-three thousand dollars. Members of force.

For travelling expenses actually paid by members of the district police, a sum not exceeding twenty thousand eight hundred dollars. Travelling expenses.

For incidental, contingent and office expenses of the chief and members of the district police, a sum not exceeding two thousand dollars. Contingent and office expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR.

Chap. 11

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Common- Appropriations.

wealth from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

LEGISLATIVE DEPARTMENT.

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| Clerks of senate and house of representatives. | For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. |
| Assistant clerks. | For the salaries of the assistant clerks of the senate and house of representatives, fifteen hundred dollars each. |
| Additional clerical assistance. | For such additional clerical assistance for the clerks of the senate and house of representatives as may be necessary for the despatch of public business, a sum not exceeding three thousand dollars. |
| Sergeant-at-arms. | For the salary of the sergeant-at-arms, three thousand dollars |
| Clerk. | For the salary of the clerk of the sergeant-at-arms, eighteen hundred dollars. |
| Engineer. | For the salary of the engineer at the state house, fifteen hundred dollars. |
| Watchmen. | For the salaries of the watchmen at the state house, one thousand dollars each. |
| Messengers. | For the salaries of the three messengers to the sergeant-at-arms, known as sergeant-at-arms' messengers, eleven hundred dollars each. |
| Firemen. | For the salaries of the fireman at the state house, and fireman and janitor at the Commonwealth building, nine hundred dollars each. |
| Assistant fireman. | For the salary of the assistant fireman at the state house, two dollars and one half per day for each day employed. |

EXECUTIVE DEPARTMENT.

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| Lieutenant-governor and council. | For the compensation of the lieutenant-governor, two thousand dollars; and for the executive council, six thousand four hundred dollars. |
| Executive council. | For the travelling expenses of the executive council, a sum not exceeding five hundred dollars. |
| Private secretary. | For the salary of the private secretary of the governor, twenty-five hundred dollars. |
| Executive clerk. | For the salary of the executive clerk of the governor and council, two thousand dollars. |
| Messenger. | For the salary of the executive messenger, twelve hundred dollars. |

SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, Secretary.
thirty-five hundred dollars.

For the salary of the first clerk in the secretary's depart- First clerk.
ment, twenty-two hundred dollars.

For the salary of the second clerk in the secretary's Second clerk.
department, two thousand dollars.

For the salary of the third clerk in the secretary's Third clerk.
department, fifteen hundred dollars.

For a messenger, and such additional clerical assistance Extra clerks
and messenger.
as the secretary may find necessary, a sum not exceeding
thirteen thousand dollars.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, Treasurer.
five thousand dollars.

For the salary of the first clerk in the treasurer's depart- First clerk.
ment, twenty-five hundred dollars.

For the salary of the second clerk in the treasurer's Second clerk.
department, two thousand dollars.

For the salary of the cashier in the treasurer's depart- Cashier.
ment, two thousand dollars.

For the salary of the third clerk in the treasurer's Third clerk.
department, fourteen hundred dollars.

For the salary of the fund clerk in the treasurer's Fund clerk.
department, fourteen hundred dollars.

For the salary of the receiving teller in the treasurer's Receiving teller.
department, fourteen hundred dollars.

For the salary of the paying teller in the treasurer's Paying teller.
department, fourteen hundred dollars.

For such additional clerical assistance in the treasurer's Extra clerks.
department as may be necessary for the despatch of pub-
lic business, a sum not exceeding one thousand dollars.

For the salary of the deputy sealer of weights, meas- Deputy sealer of
weights and
measures.
ures and balances, twelve hundred dollars.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of the Commonwealth, Auditor.
thirty-five hundred dollars.

For the salary of the first clerk in the auditor's depart- First clerk.
ment, twenty-two hundred dollars.

For the salary of the second clerk in the auditor's Second clerk.
department, two thousand dollars.

Extra clerks. For the salaries of the three extra clerks in the auditor's department, fifteen hundred dollars each; and for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general. For the salary of the attorney-general, five thousand dollars.

First assistant. For the salary of the first assistant attorney-general, twenty-five hundred dollars.

Second assistant. For the salary of the second assistant attorney-general, fifteen hundred dollars.

COMMISSIONERS AND OTHERS.

Tax commissioner and commissioner of corporations. For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.

First clerk. For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk. For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.

Extra clerks. For such additional clerical assistance as the tax commissioner and commissioner of corporations may find necessary for the despatch of public business, a sum not exceeding sixteen thousand dollars.

Commissioners of savings banks — chairman. For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars.

Associate commissioners. For the salaries of the two associate commissioners of savings banks, three thousand dollars each.

First clerk. For the salary of the first clerk of the commissioners of savings banks, fifteen hundred dollars.

Second clerk. For the salary of the second clerk of the commissioners of savings banks, twelve hundred dollars.

Insurance commissioner. For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy insurance commissioner. For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

First clerk. For the salary of the first clerk of the insurance commissioner, two thousand dollars.

Second clerk. For the salary of the second clerk of the insurance commissioner, fifteen hundred dollars.

Third clerk. For the salary of the third clerk of the insurance commissioner, twelve hundred dollars.

Extra clerks and assistants. For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of

public business, a sum not exceeding fourteen thousand one hundred and forty dollars.

For the salary of the inspector of gas meters, two thousand dollars. Inspector of gas meters.

For the salary of the assistant inspector of gas meters, twelve hundred dollars. Assistant inspector.

For the salary of the secretary of the commissioners of prisons, twenty-five hundred dollars. Commissioners of prisons — secretary.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding twenty-five hundred dollars. Clerical assistance.

For the salaries of the agents to the commissioners of prisons, twenty-four hundred dollars. Agents.

For the salary of the agent for aiding discharged female prisoners, a sum not exceeding seven hundred and seventy-five dollars. Agent for aiding discharged female prisoners.

For the salaries of the railroad commissioners, eleven thousand dollars. Railroad commissioners.

For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars. Clerk.

For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars. Accountant.

For the salary of the assayer and inspector of liquors, twelve hundred dollars. Assayer and inspector of liquors.

For the salary of the chief of the bureau of statistics of labor, twenty-five hundred dollars. Bureau of statistics of labor, chief.

For the salary of the first clerk in the bureau of statistics of labor, eighteen hundred dollars. First clerk.

For the salary of the second clerk in the bureau of statistics of labor, fifteen hundred dollars. Second clerk.

For such additional assistance, and for such expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding five thousand dollars. Additional assistance.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars. Statistics of manufactures.

For the salary of the third commissioner on state aid, eighteen hundred dollars. Commissioner on state aid.

For clerical assistance, salaries and expenses of agents, and other necessary expenses of the commissioners on state aid, a sum not exceeding six thousand eight hundred and sixty dollars. Clerical assistance, etc.

For salaries of the harbor and land commissioners, five thousand five hundred dollars. Harbor and land commissioners.

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| Engineer, etc. | For the compensation and expenses of the engineer, for clerical and other assistants authorized by the harbor and land commissioners, a sum not exceeding five thousand dollars. |
| Civil service commission. | For the salary of the chief examiner of the civil service commission, three thousand dollars; and for the salary of the secretary of said commission, two thousand dollars. |
| Gas and electric light commissioners. | For the salaries of the gas and electric light commissioners, eight thousand dollars; and for the compensation and expenses of the clerk, and for clerical assistance of said commissioners, a sum not exceeding twenty-five hundred dollars. |
| Controller of county accounts. | For the salary of the controller of county accounts, twenty-five hundred dollars; and for the salaries of the two deputies of said controller, three thousand dollars. |
| Board of arbitration and conciliation. | For the salaries of the members of the state board of arbitration and conciliation, six thousand dollars; and for the salary of the clerk of said board, twelve hundred dollars. |
| Commissioner for supervision of foreign corporations. | For the compensation of the commissioner for the supervision of foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, three thousand dollars. |
| State pension agent. | For the salary of the state pension agent, two thousand dollars. |
| Secretary of state board of health. | For the salary of the secretary of the state board of health, three thousand dollars. |
| Commissioner on public records of parishes, towns and counties. | For the salary of the commissioner on public records of parishes, towns and counties, three hundred and thirty-three dollars and thirty-three cents; and for clerical services, rent, postage, printing, travelling and other expenses of said commissioner, a sum not exceeding two hundred and ninety-one dollars and sixty-seven cents. |
| Commissioner to edit provincial laws. | For the salary of the commissioner appointed to edit the provincial laws, as authorized by chapter seventy-seven of the resolves of the year eighteen hundred and ninety, two thousand dollars. |

AGRICULTURAL DEPARTMENT.

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| Board of agriculture, — secretary. | For the salary of the secretary of the state board of agriculture, twenty-five hundred dollars. |
| Clerk. | For the salary of the clerk of the secretary of the state board of agriculture, twelve hundred dollars; and for the salary of an assistant clerk for said secretary, one thousand dollars. |

For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars.

Clerical assistance.

For the salary of the executive officer of the state dairy bureau, five hundred dollars.

State dairy bureau.

For the salary of an assistant to the secretary of the board of agriculture, to assist in the work of the state dairy bureau, twelve hundred dollars.

Assistant to the secretary.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the state board of education, three thousand four hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Board of education — secretary.

For the salary of the assistant librarian and clerk of the state board of education, twenty-five hundred dollars.

Assistant librarian and clerk.

For such clerical assistance in the state library as the trustees and librarian may find necessary, a sum not exceeding thirty-five hundred dollars.

Clerical assistance.

For the purchase of books for the state library, five thousand dollars.

Books for library.

MILITARY DEPARTMENT.

For the salary of the adjutant general, thirty-six hundred dollars.

Adjutant general.

For the salary of the first clerk in the adjutant general's department, two thousand dollars.

First clerk.

For the salary of the second clerk in the adjutant general's department, sixteen hundred dollars.

Second clerk.

For the salary of an additional clerk in the adjutant general's department, sixteen hundred dollars.

Additional clerk.

For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each.

Extra clerks.

For the salary of a messenger in the adjutant general's department, eight hundred dollars.

Messenger.

For such additional clerical assistance as the adjutant general may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding five thousand five hundred dollars.

Clerical assistance, etc.

For the salary of the surgeon general, twelve hundred dollars.

Surgeon general.

For the salary of the state military and naval historian, two thousand dollars; and for clerical assistance and other

Military and naval historian.

necessary expenses of said historian, a sum not exceeding fifteen hundred dollars.

MISCELLANEOUS.

Preservation of
state records,
etc.

For the arrangement and preservation of state records and papers, under the direction of the secretary of the Commonwealth, a sum not exceeding five thousand dollars.

Clerical assist-
ance for the
treasurer.

For clerical assistance in the office of the treasurer and receiver-general, in the care and custody of deposits made with him in trust, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1892.

Chap. 12 AN ACT TO EXTEND THE TIME FOR BUILDING A PUBLIC HIGHWAY BRIDGE ACROSS THE RESERVED CHANNEL IN SOUTH BOSTON.

Be it enacted, etc., as follows:

Time extended
for building a
public highway
bridge across
the reserved
channel in
South Boston.

SECTION 1. The time for completing the bridge across the reserved channel on the South Boston flats in the city of Boston, authorized by chapter three hundred and eighty-eight of the acts of the year eighteen hundred and ninety-one, is hereby extended to the thirty-first day of December in the year eighteen hundred and ninety-two; and if said bridge is completed before said day the Commonwealth shall reimburse said city the portion of the cost thereof provided for in said act, the same as if said bridge had been completed before the first day of August in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1892.

Chap. 13 AN ACT MAKING AN APPROPRIATION FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose specified, to wit:—

Common-
wealth's flats at
South Boston.

For the Commonwealth's flats improvement fund, for the purpose of continuing the improvements in the Commonwealth's flats at South Boston, a sum not exceeding seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1892.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE
EXPENSES.

Chap. 14

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet sundry charitable expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit:—

STATE BOARD OF LUNACY AND CHARITY.

For expenses of the board of lunacy and charity, including travelling and other expenses of members, necessary legal expenses, and salary and expenses of the clerk and auditor, a sum not exceeding forty-five hundred dollars.

Board of lunacy and charity.

For salaries and expenses in the department of in-door poor, a sum not exceeding thirty-four thousand dollars.

In-door poor.

For salaries and expenses in the department of out-door poor, a sum not exceeding twenty thousand dollars.

Out-door poor.

For salaries and expenses in the department of the inspector of institutions, a sum not exceeding ten thousand dollars.

Inspector of institutions.

For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding twelve hundred dollars.

Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

For transportation of state paupers, a sum not exceeding sixteen thousand dollars.

Transportation of state paupers.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, a sum not exceeding one hundred and sixty thousand dollars.

State lunatic paupers.

For expenses attending the management of cases of settlement and bastardy, a sum not exceeding fifteen hundred dollars.

Cases of settlement and bastardy.

For care and maintenance of indigent and neglected children, and juvenile offenders, a sum not exceeding twenty thousand dollars.

Indigent and neglected children.

For the support of state paupers in the Massachusetts school for the feeble-minded, and the hospital cottages

State paupers, feeble-minded, etc.

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| | for children at Baldwinville, a sum not exceeding ten thousand dollars. |
| Sick state paupers. | For the support of sick state paupers by cities and towns, for the year eighteen hundred and ninety-two and previous years, the same to include cases of wife settlement, a sum not exceeding eighty thousand dollars |
| Burial of state paupers. | For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding ten thousand dollars. |
| Temporary aid. | For temporary aid for state paupers and shipwrecked seamen, by cities and towns, for the present and previous years, a sum not exceeding twenty thousand dollars. |
| Unsettled pauper infants. | For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in infant asylums, a sum not exceeding fifteen thousand dollars. |
| Dangerous diseases. | For expenses incurred in connection with smallpox, and other diseases dangerous to the public health, a sum not exceeding three thousand dollars, which is hereby made applicable for the payment of claims for the present and previous years. |
| Medical examiners. | For fees for medical examiners, a sum not exceeding five hundred dollars. |
| Johonnot annuities. | For annuities due from the Commonwealth, incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding four hundred dollars. |
| Annuities to soldiers, etc. | For annuities to soldiers and others, as authorized by the legislature, the sum of three thousand and eighty-four dollars. |
| Pensions. | For pensions, the sum of five hundred and twenty dollars. |

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1892.

Chap. 15 AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA, AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit : —

For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and two thousand dollars. Militia, — compensation.

For transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding eighteen thousand five hundred dollars. Transportation.

For incidental and contingent expenses of the adjutant general's department, a sum not exceeding three thousand dollars. Incidental, etc., expenses.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-six thousand dollars. Rent of armories, etc.

For quartermasters' supplies, a sum not exceeding fourteen thousand dollars. Quartermasters' supplies.

For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding five thousand dollars. Incidental, etc., expenses.

For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars. Camp ground.

For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars. Military accounts.

For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars. Record of sailors and marines.

For allowance and repairs of clothing of the volunteer militia, a sum not exceeding nine thousand dollars. Clothing.

For expenses of the care, furnishing and repairs of the armories recently erected in the cities of Boston, Fitchburg, Lowell and Worcester, for the use of certain of the volunteer militia, a sum not exceeding fourteen thousand two hundred and twenty-five dollars. Care, etc., of armories.

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding ninety-three hundred dollars. Rifle practice.

Any sums of money received under the provisions of section eighty-seven of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven and from the sale of grass at the state camp ground, during the year eighteen hundred and ninety-two, may be expended by the quartermaster general during the present year, under the direction of the governor and council, for the construction and repair of buildings or other structures. Disposition of proceeds of sale of grass at camp ground, etc.

SURGEON GENERAL'S DEPARTMENT.

Medical
supplies.

For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.

Incidental and
contingent
expenses.

For incidental and contingent expenses of the surgeon general, a sum not exceeding seven hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1892.

Chap. 16 AN ACT TO AUTHORIZE THE APPOINTMENT OF AN EXECUTIVE STENOGRAPHER.

Be it enacted, etc., as follows:

Executive
stenographer
may be
appointed.

SECTION 1. The governor, with the advice and consent of the council, may appoint a stenographer for the executive department, who shall hold office during the pleasure of the governor, and shall receive in full compensation for his services a sum not to exceed one thousand dollars per annum.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1892.

Chap. 17 AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATIVE TO THE EMPLOYMENT OF PRISONERS IN THE PRISONS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of carrying out the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, relating to the employment of prisoners in the various prisons of the Commonwealth, during the year eighteen hundred and ninety-two, to wit: —

General super-
intendent of
prisons.

For the salary of the general superintendent of prisons, thirty-five hundred dollars.

Clerical assist-
ance.

For clerical assistance to the general superintendent of prisons, a sum not exceeding one thousand dollars.

Travelling
expenses.

For travelling expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars.

Contingent and
incidental
expenses.

For contingent and incidental expenses of the superintendent of prisons, including rent of office, fifteen hundred dollars.

For maintaining industries at the state prison at Boston, a sum not exceeding one hundred and eighty thousand dollars. Industries,— state prison.

For maintaining industries at the Massachusetts reformatory, a sum not exceeding forty-five thousand dollars. Massachusetts reformatory.

For maintaining industries at the reformatory prison for women, a sum not exceeding four thousand dollars. Reformatory prison for women.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1892.

AN ACT TO AUTHORIZE THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY TO ISSUE MORTGAGE BONDS. *Chap. 18*

Be it enacted, etc., as follows:

SECTION 1. The Newburyport and Amesbury Horse Railroad Company may by the vote of a majority in interest of its outstanding stock, at a meeting called for the purpose, issue coupon or registered bonds to an amount not exceeding three hundred and fifty thousand dollars, in sums not less than one thousand dollars each, payable at a time or times not exceeding twenty years from the date thereof, and carrying interest at a rate not exceeding five per cent per annum, payable semi-annually, for the purpose of discharging its existing indebtedness and of providing means for building an extension of the road on the location granted by the town of Newbury, in High street from Little's lane to Parker river bridge, and turnouts, and further equipping the entire road with overhead electric system, and the purchase of cars and additional real estate and the erection of necessary buildings thereon; and may secure payment of the said bonds by a mortgage of its franchises and the whole or any part of its railway and other real and personal estate whether already or afterwards acquired. May issue mortgage bonds.

SECTION 2. The proceeds of the said bonds shall be applied by the said company in the first place to the discharge of all the indebtedness of the said company secured by its mortgage bonds issued in pursuance of the vote of the railroad commissioners dated the tenth day of December in the year eighteen hundred and ninety, which bonds shall be cancelled, and only the residue of the said proceeds, after discharging the said indebtedness or appropriating a sum sufficient therefor, shall be applied to the other said purposes. And the application of the said proceeds otherwise than as hereinbefore provided may be Application of proceeds.

enjoined by the supreme judicial or superior court upon application of the railroad commissioners or any person interested.

Bonds to be
certified that
they are
properly issued,
etc.

SECTION 3. No bonds shall be issued unless approved by some person appointed by the said company for that purpose, who shall certify that they are properly issued and recorded; and the said certificate shall, as regards bona fide holders, be conclusive of the regularity of the issue and sale of the bonds.

SECTION 4. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 19 AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

State normal
schools.

For the support of state normal schools, a sum not exceeding ninety-one thousand eight hundred and eighty-one dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth.

State normal
art school.

For the support of the state normal art school, a sum not exceeding eighteen thousand three hundred and sixty dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth.

Teachers'
institutes.

For expenses of teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

County
teachers' asso-
ciations.

For expenses of county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Massachusetts
teachers'
association.

For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to

educational purposes, subject to the approval of the state board of education.

For salaries and expenses of the agents of the state board of education, a sum not exceeding eighteen thousand seven hundred dollars.

Board of education, — agents.

For incidental expenses of the state board of education, and of the secretary thereof, a sum not exceeding twelve hundred dollars.

Incidental expenses.

For the Dukes County teachers' association, the sum of fifty dollars.

Dukes County teachers' association.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Pupils in state normal schools.

For travelling and other necessary expenses of members of the state board of education, a sum not exceeding six hundred dollars.

Travelling expenses of board.

For education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding thirty-five thousand dollars.

Deaf pupils.

For expenses in connection with the boarding houses of the state normal schools, a sum not exceeding fifty-one hundred dollars.

Boarding houses of normal schools.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding five thousand dollars; and for clerical assistance, incidental and necessary expenses of the board of library commissioners, a sum not exceeding five hundred dollars.

Free public libraries.

For contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding one thousand dollars.

Contingent expenses of state library.

The income of the Rogers book fund, of the Todd normal school fund, and of the two educational funds, shall be expended in accordance with the provisions of the various acts relating thereto.

Rogers book fund and Todd normal school fund

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT TO AUTHORIZE THE PLYMOUTH AND KINGSTON STREET RAILWAY COMPANY TO EXTEND ITS TRACKS AND INCREASE ITS CAPITAL STOCK.

Chap. 20

Be it enacted, etc., as follows:

SECTION 1. The Plymouth and Kingston Street Railway Company, a corporation established in accordance

May extend tracks.

with the laws of the Commonwealth, may, subject to the approval and under the control of the selectmen of the towns of Plymouth and Kingston, as provided by general law, locate, construct, maintain and operate its railway, with single or double tracks and with convenient and suitable turnouts and switches, through and over any streets and highways in said towns, or either of them, or through and over any private lands, in either or both of said towns, that it may acquire by purchase, lease or otherwise: *provided*, the tracks of said corporation shall not cross the tracks of any steam railroad at grade without the consent of the board of railroad commissioners.

Proviso.

May increase capital stock.

SECTION 2. Said corporation, for the purpose of paying its floating debt, purchase of equipment and purposes aforesaid, is hereby authorized to increase its capital stock to an amount which, together with the amounts heretofore authorized by law, shall not exceed in the aggregate the sum of one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 21 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE AT TEWKSBURY.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state almshouse at Tewksbury during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

State almshouse at Tewksbury.

For the payment of salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding twenty-nine thousand two hundred dollars; and for other current expenses at said institution, a sum not exceeding eighty thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 22 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM AT BRIDGEWATER.

Be it enacted, etc., as follows:

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of

salaries and expenses at the state farm at Bridgewater during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

For the payment of salaries, wages and labor at the state farm at Bridgewater, a sum not exceeding twenty-one thousand four hundred dollars; and for other current expenses at said institution, a sum not exceeding fifty-five thousand four hundred dollars.

State farm at
Bridgewater.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON INLAND FISHERIES AND GAME.

Chap. 23

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for compensation and expenses of the commissioners on inland fisheries and game during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

Appropriations.

For the compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding thirty-two hundred and fifty dollars.

Commissioners
on inland
fisheries and
game.

For one half of the expenses of the hatching at Plymouth, in the state of New Hampshire, a sum not exceeding nine hundred and fifty dollars.

Hatching at
Plymouth, N. H.

For the enforcement of laws, propagation and distribution of trout and salmon, carp and lobsters, hatching and distribution of shad and carp, rent of hatcheries, incidentals, contingent expenses and printing, propagation and distribution of lobsters, a sum not exceeding four thousand dollars.

Propagation
and distribution
of trout, etc.

For travelling expenses for a member of the district police detailed for service with the commission, a sum not exceeding three hundred dollars.

Travelling
expenses.

For the payment of running expenses and for repairs to the steamer in charge of the commission, a sum not exceeding forty-five hundred dollars.

Expenses of
steamers.

For completion, maintenance and running expenses of state hatcheries, a sum not exceeding one thousand dollars.

State hatcheries.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 24 AN ACT TO INCORPORATE THE CAPE COD PILGRIM MEMORIAL ASSOCIATION OF PROVINCETOWN.

Be it enacted, etc., as follows:

Cape Cod Pilgrim Memorial Association of Provincetown, incorporated.

SECTION 1. James H. Hopkins, James Gifford, Artemas P. Hannum, Moses N. Gifford, Howard F. Hopkins, Joseph H. Dyer, their associates and successors, are hereby made a corporation by the name of the Cape Cod Pilgrim Memorial Association of Provincetown, for the purpose of erecting at Provincetown a monument or other suitable memorial or memorials to commemorate the arrival of the Mayflower and the landing of the Pilgrims at Provincetown on the twenty-first day of November in the year sixteen hundred and twenty, and to perpetuate, by enduring memorials, the memory of the signing of the compact, the birth of Peregrine White, the death of Dorothy May Bradford, and the other interesting historical incidents connected with the Mayflower while at anchor in Cape Cod harbor, and for the purpose of acquiring and holding land upon which to erect such memorials, and of constructing a building or buildings to accommodate the meetings and to contain the cabinets, collections and libraries of said society; with the powers and privileges and subject to the duties set forth in chapter one hundred and fifteen of the Public Statutes and in such other general laws as now are or hereafter may be in force relating to such corporations.

Real and personal estate not to exceed \$100,000.

SECTION 2. Said corporation may acquire by gift, grant, devise or purchase, and hold for the purposes aforesaid, real and personal estate to the value of one hundred thousand dollars.

Property to be exempt from taxation.

SECTION 3. The property, real and personal, of said corporation shall be exempt from taxation in the same manner and to the same extent as the property of literary, benevolent, charitable and scientific institutions incorporated within this Commonwealth.

SECTION 4. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 25 AN ACT TO AUTHORIZE THE HOME FOR AGED MEN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Home for Aged Men is authorized to hold additional real and personal estate for the purposes

named in its act of incorporation, chapter one hundred and fifty-three of the acts of the year eighteen hundred and sixty, to an amount which, together with the amounts heretofore authorized by law, shall not exceed in the whole eight hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT RELATING TO THE HOOSAC TUNNEL AND WILMINGTON RAILROAD COMPANY. Chap. 26

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter two hundred and eight of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "act", in the third line thereof, the words:—and for the construction of extensions and branches of its railroad line as shall be hereafter determined,—and by striking out the word "upon", in the fourth line of said section, and inserting in place thereof the word:—on,—also by inserting after the word "line", in the sixth line, the words:—and upon any extensions and branches which shall be constructed and made thereto,—by striking out the word "either", in the twelfth line, and inserting in place thereof the word:—any,—and by striking out the words "by this act", in the fourteenth line, and inserting in place thereof the words:—and actually paid in at the time of the issue of the bonds,—so as to read as follows:—

1891, 308,
§ 3 amended.

Section 3. The Hoosac Tunnel and Wilmington Railroad Company, for the purpose of carrying out the provisions of this act and for the construction of extensions and branches of its railroad line as shall be hereafter determined, is hereby authorized to issue bonds on its existing railroad, and if the Deerfield Valley Railroad be purchased and consolidated as herein provided, then upon the whole line, and upon any extensions and branches which shall be constructed and made thereto, to an amount not exceeding eight thousand dollars per mile for narrow gauge track and fifteen thousand dollars per mile for standard gauge track; said bonds to be issued, recorded and approved in accordance with the provisions of section sixty-two of chapter one hundred and twelve of the Public Statutes and acts amendatory thereof: *provided*, that in any case the amount of bonds so issued shall not exceed the capital stock authorized and actually paid in at the time of the issue of the bonds.

May issue
bonds, etc.

Proviso.

May mortgage
railroad, etc.

SECTION 2. To secure the bonds issued under the provisions of the said third section as amended by this act, the Hoosac Tunnel and Wilmington Railroad Company is hereby authorized to give to trustees for the holders of said bonds, a mortgage of its railroad, stations, rolling stock, equipments, property, real and personal, and franchises wherever and however situate, now acquired or hereafter to be acquired, whether under the provisions of said chapter two hundred and eight or otherwise, and all extensions and branches which shall be hereafter constructed and made to the line and property now owned by it or hereafter acquired by it.

SECTION 3. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 27 AN ACT MAKING AN APPROPRIATION FOR INVESTIGATIONS INTO THE BEST METHODS OF PROTECTING THE PURITY OF INLAND WATERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in connection with the protection of the purity of inland waters during the year eighteen hundred and ninety-two, to wit:—

For protecting
the purity of
inland waters.

For providing for investigations into the best methods of assuring the purity of water supplies and disposal of sewage, for services of engineers, clerks and other assistants, made necessary and authorized by chapter three hundred and seventy-five of the acts of the year eighteen hundred and eighty-eight, which requires the state board of health to have general care and oversight of all inland waters and report measures for preventing the pollution of the same, also for the proper disposal of all sewage matter, a sum not exceeding twenty-seven thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 28 AN ACT TO AUTHORIZE THE BOSTON RUBBER SHOE COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

The Boston Rubber Shoe Company is hereby authorized to increase its capital stock in the manner provided by law for the increase of the capital stock of manufacturing

corporations, and in such amounts as it may from time to time determine: *provided*, that the whole amount of its Proviso. capital stock shall not exceed five million dollars.

Approved February 29, 1892.

AN ACT TO CHANGE THE NAME OF THE EAST GLOUCESTER BAPTIST Chap. 29
SOCIETY AND TO DEFINE ITS POWERS.

Be it enacted, etc., as follows:

SECTION 1. The name of the East Gloucester Baptist Name changed.
Society is hereby changed to The Parish of the Chapel
Street Baptist Church of Gloucester.

SECTION 2. The purposes of said corporation shall be Purposes of
corporation.
the maintenance of the religious worship of the Chapel
street Baptist Church of Gloucester, and the holding of
property and receiving donations in trust for the benefit
of said church.

SECTION 3. All devises, bequests, conveyances and Devises, con-
veyances, gifts,
etc.
gifts heretofore or hereafter made to said corporation, by
either of said names, shall vest in The Parish of the Chapel
Street Baptist Church of Gloucester.

SECTION 4. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND Chap. 30
MISCELLANEOUS EXPENSES OF THE VARIOUS COMMISSIONS OF THE
COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Com-
monwealth from the ordinary revenue, for the purposes
specified, to meet expenses for the year ending on the
thirty-first day of December in the year eighteen hundred
and ninety-two, to wit:—

COMMISSIONERS AND OTHERS.

For incidental and contingent expenses of the tax com- Expenses,—
tax commis-
sioner, etc.
missioner and commissioner of corporations, a sum not
exceeding thirty-four hundred dollars.

For expenses of the state valuation, under the direc- State valuation.
tion of the tax commissioner, a sum not exceeding three
thousand dollars.

| | |
|---|---|
| Commissioners of savings banks. | For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding thirty-three hundred dollars. |
| Insurance commissioner. | For incidental and contingent expenses in the department of the insurance commissioner, a sum not exceeding three thousand dollars. |
| Harbor and land commissioners, travelling expenses. | For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding six hundred dollars. |
| Incidental and contingent expenses. | For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding eight hundred dollars. |
| Railroad commissioners, experts and agents. | For the compensation of experts or other agents of the board of railroad commissioners, a sum not exceeding thirty-three hundred dollars. |
| Rent and care of office. | For rent of office, care of office and messenger, for the board of railroad commissioners, a sum not exceeding thirty-one hundred dollars. |
| Books, maps and stationery. | For books, maps, statistics, stationery, incidental and contingent expenses of the board of railroad commissioners, a sum not exceeding two thousand dollars. |
| Gas and electric light commissioners. | For travelling and incidental expenses of the gas and electric light commissioners, a sum not exceeding two thousand dollars. |
| Inspectors of gas meters. | For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred dollars; and for such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars. |
| Civil service commission. | For compensation and expenses of the civil service commission, a sum not exceeding two thousand dollars; and for clerical assistance, expenses of examinations, printing of civil service rules and regulations, and other information for the use of applicants, printing, advertising and stationery, care of office and rent of room for registration of laborers, travelling and incidental expenses of the commissioners, chief examiner and secretary, a sum not exceeding nine thousand dollars. |
| Controller of county accounts. | For travelling and office expenses of the controller of county accounts, a sum not exceeding fifteen hundred dollars. |
| State board of arbitration and conciliation. | For travelling, incidental and contingent expenses of the state board of arbitration and conciliation, a sum not exceeding eighteen hundred dollars. |

For general work of the state board of health, including all necessary travelling expenses, a sum not exceeding seventy-eight hundred dollars.

State board of health.

For clerical assistance, travelling expenses, rent, care of rooms, and other necessary expenses of the state pension agent, a sum not exceeding four thousand dollars.

State pension agent.

For travelling and other necessary expenses of the deputy sealer of weights, measures and balances, a sum not exceeding eight hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith and to each newly incorporated town, also to provide cities and towns with such portions of said sets as may be necessary to make their sets complete, a sum not exceeding six hundred dollars.

Deputy sealer of weights, measures and balances.

For clerk hire, rent, janitor, gas, printing, postage, travelling and incidental expenses of the commissioner for the supervision of foreign corporations engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, a sum not exceeding twenty-four hundred and forty dollars.

Commissioner for supervision of foreign corporations.

For travelling expenses, clerical assistance, stationery, postage and advertising for the commissioners on the nautical training school, a sum not exceeding twenty-five hundred dollars.

Commissioners on the nautical training school.

For the salaries of the chief clerk and four copyists, messenger, extra help, engraving, lithographing, stationery and postage, travelling and other necessary expenses in connection with the preparation for publication and the publication of the acts and resolves of the province of Massachusetts Bay, a sum not exceeding sixty-four hundred and forty dollars; and for printing and binding such volumes as may be completed, a sum not exceeding sixty-five hundred dollars.

Acts and resolves of the province of Massachusetts Bay.

MISCELLANEOUS.

For expenses in connection with taking evidence given at inquests on deaths by accidents upon steam and street railroads, a sum not exceeding two thousand dollars.

Evidence at inquests.

For the payment of unclaimed moneys in the hands of the receivers of certain insolvent corporations, after the same have been deposited in the treasury of the Commonwealth, a sum not exceeding three thousand dollars.

Unclaimed moneys of certain insolvent corporations.

Funds received
from public
administrators.

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Civil service
commission.

For rent of rooms for the use of the civil service commission, a sum not exceeding nine hundred dollars.

Bureau of
statistics of
labor, rent, etc.

For rent of rooms for the use of the bureau of statistics of labor, and for the services of a janitor, a sum not exceeding three thousand dollars.

Room for
storage.

For rent of a room for the bureau of statistics of labor for storage purposes, a sum not exceeding five hundred dollars.

Contingent
expenses.

For contingent expenses of the bureau of statistics of labor, to be expended under the direction of the sergeant-at-arms, a sum not exceeding five hundred dollars.

Controller of
county
accounts.

For rent of rooms for the use of the controller of county accounts, a sum not exceeding six hundred and fifty dollars.

Repair of roads
in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and ninety-one, the sum of three hundred dollars.

Beach point
road in Truro.

For assistance to the town of Truro in maintaining a section of its county highway, known as Beach point road, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 31 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state industrial school at Lancaster during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

State industrial
school at
Lancaster.

For the payment of salaries, wages and labor at the state industrial school for girls at Lancaster, a sum not exceeding eight thousand dollars; and for other current expenses at said institution, a sum not exceeding twelve thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT TO AUTHORIZE THE EAST SIDE STREET RAILWAY COMPANY TO LEASE ITS RAILWAY, FRANCHISES AND OTHER PROPERTY TO THE BROCKTON STREET RAILWAY COMPANY. *Chap. 32*

Be it enacted, etc., as follows :

SECTION 1. The East Side Street Railway Company is hereby authorized to lease its railway, franchises and other property to the Brockton Street Railway Company, upon such terms as the directors and stockholders of the respective corporations agree upon. Such lease shall not cover a period of more than ninety-nine years.

May lease railway, etc., to the Brockton Street Railway Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT TO AUTHORIZE THE WHITMAN STREET RAILWAY COMPANY TO LEASE ITS RAILWAY, FRANCHISES AND OTHER PROPERTY TO THE BROCKTON STREET RAILWAY COMPANY. *Chap. 33*

Be it enacted, etc., as follows :

SECTION 1. The Whitman Street Railway Company is hereby authorized to lease its railway, franchises and other property to the Brockton Street Railway Company, upon such terms as the directors and stockholders of the respective corporations agree upon. Such lease shall not cover a period of more than ninety-nine years.

May lease railway, etc., to the Brockton Street Railway Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRIMARY SCHOOL AT MONSON. *Chap. 34*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the state primary school at Monson during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit : —

Appropriations.

For the payment of salaries, wages and labor at the state primary school at Monson, a sum not exceeding eighteen thousand three hundred dollars; and for other current expenses at said institution, a sum not exceeding thirty-two thousand seven hundred dollars; and for board-

State primary school at Monson.

ing out children, a sum not exceeding nine thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 35 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of salaries and expenses at the Lyman school for boys at Westborough for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit : —

Lyman school
for boys at
Westborough.

For the payment of salaries, wages and labor at the Lyman school for boys at Westborough, a sum not exceeding nineteen thousand and eighty-five dollars ; and for other current expenses at said institution, a sum not exceeding twenty-seven thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1892.

Chap. 36 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS SOLDIERS' HOME, EXTERMINATION OF THE GYPSY MOTH, AND CERTAIN OTHER EXPENSES AUTHORIZED THE PRESENT YEAR.

Be it enacted, etc., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, to wit : —

Executive
stenographer.

For the compensation of a stenographer for the executive department, a sum not exceeding one thousand dollars, as authorized by chapter sixteen of the acts of the present year.

Bulletin of
committee
hearings.

For the publication of a bulletin of committee hearings, a sum not exceeding one thousand dollars, as authorized by chapter one of the resolves of the present year.

Widow of
Charles F.
Loring.

For the widow of the late Charles F. Loring, the sum of eight hundred dollars, as authorized by chapter three of the resolves of the present year.

For the trustees of the Massachusetts soldiers' home, the sum of thirty thousand dollars, as authorized by chapter four of the resolves of the present year. Massachusetts soldiers' home.

For providing against depredations by the insect known as the ocneria dispar or gypsy moth, a sum not exceeding seventy-five thousand dollars, as authorized by chapter five of the resolves of the present year; this amount to be in addition to any balance remaining unexpended, authorized by chapter three hundred and ninety-four of the acts of the year eighteen hundred and ninety-one. Gypsy moth.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1892.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-ONE.

Chap. 37

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor in the year eighteen hundred and ninety-one, to wit:— Appropriations.

For the support and relief of state lunatic paupers in the hospitals and asylums of the Commonwealth, the sum of ten thousand one hundred thirty-three dollars and fifty cents. State lunatic paupers.

For expenses of the commissioners on inland fisheries and game, made necessary by a resolution of the general court adopted on the first day of June in the year eighteen hundred and ninety-one, the sum of forty-five dollars. Commissioners on inland fisheries and game.

For expenses of the railroad commissioners, the sum of ninety-eight dollars and sixty-three cents. Railroad commissioners.

For refunding a certain tax assessed upon the Boston five cents savings bank, for its real estate used for banking purposes, the sum of thirty-two hundred fifty-three dollars and four cents. Tax upon the Boston five cents savings bank.

For current expenses at the Lyman school for boys at Westborough, the sum of eleven hundred eighty-seven dollars and ninety-six cents. Lyman school for boys.

For current expenses at the state prison at Boston, the sum of thirteen thousand twenty-seven dollars and twenty-two cents. State prison at Boston.

For payment of certain bills in connection with the reformatory prison for women, the sum of one hundred eighty-seven dollars and thirty-nine cents. Reformatory prison for women.

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| Secretary of the Commonwealth. | For incidental and contingent expenses in the department of the secretary of the Commonwealth, the sum of six hundred and thirty-six dollars. |
| Printing and binding public documents. | For printing and binding public documents, under the direction of the secretary of the Commonwealth, the sum of twenty-eight hundred and five dollars and thirty-four cents. |
| Education of deaf pupils. | For the education of deaf pupils of the Commonwealth, in the schools designated by law, the sum of thirty-three hundred thirty-seven dollars and seventy-three cents. |
| Fuel, etc., for state house. | For fuel and lights for the state house, the sum of four hundred sixty dollars and twenty cents. |
| Massachusetts reformatory at Concord. | For current expenses at the Massachusetts reformatory at Concord, the sum of fifty-eight hundred seventy-one dollars and eighty-two cents. |
| Damages for land taken at Sherborn. | For the payment of land damages awarded by judgment of the superior court in the taking of land at the reformatory prison for women at Sherborn, by the commissioners of prisons under authority of chapter four hundred and sixty-three of the acts of the year eighteen hundred and eighty-nine, the sum of eleven thousand sixteen dollars and thirty-seven cents. |
| Publication of province laws. | For the payment of certain bills authorized by the commissioners on the publication of the province laws, the sum of fourteen hundred forty-five dollars and ninety-one cents. |
| Board of education. | For salaries and expenses of agents of the state board of education, the sum of one hundred thirty-two dollars and twenty-six cents. |
| State paupers. | For the support of state paupers in the Massachusetts school for the feeble-minded, and hospital cottages for children at Baldwinville, the sum of fourteen hundred eighty-one dollars and sixteen cents. |

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

Chap. 38 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON, MASSACHUSETTS REFORMATORY, THE REFORMATORY PRISON FOR WOMEN, AND FOR EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes

specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-two, to wit: —

For the payment of salaries and wages at the state prison at Boston, a sum not exceeding sixty-nine thousand dollars; and for other current expenses at said institution, a sum not exceeding ninety thousand dollars.

State prison at Boston.

For the payment of salaries and wages at the Massachusetts reformatory at Concord, a sum not exceeding seventy-four thousand two hundred dollars; and for other current expenses at said institution, a sum not exceeding one hundred ten thousand eight hundred dollars.

Massachusetts reformatory at Concord.

For the payment of salaries and wages at the reformatory prison for women at Sherborn, a sum not exceeding twenty-four thousand dollars; and for other current expenses at said institution, a sum not exceeding thirty-one thousand dollars.

Reformatory prison for women.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding nine hundred dollars.

Removal of prisoners from state and county prisons.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Aiding prisoners.

For the salary of the agent for aiding prisoners discharged from the state prison, one thousand dollars; and for expenses of said agent, a sum not exceeding three thousand dollars, to be used in rendering assistance to said prisoners.

Agent for aiding prisoners discharged from state prison.

For expenses of the agent for aiding discharged female prisoners discharged from the prisons of the Commonwealth, including assistance rendered to said prisoners, a sum not exceeding three thousand dollars.

Agent for aiding discharged female prisoners.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding twelve hundred dollars.

Commissioners of prisons, — expenses.

For travelling expenses of the commissioners of prisons, and of the secretary and agents of said commissioners, a sum not exceeding twenty-five hundred dollars.

Secretary and agents.

For travelling and other necessary expenses of the trustees of the state primary and reform schools, a sum not exceeding one thousand dollars.

State primary and reform schools.

For the support of Sarah J. Robinson, a prisoner in the jail at Lowell in the county of Middlesex, a sum not exceeding four hundred dollars.

Sarah J. Robinson.

Fugitives from
justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

Chap. 39 AN ACT TO AUTHORIZE THE TOWN OF PROVINCETOWN TO APPROPRIATE MONEY TO WATER ITS STREETS.

Be it enacted, etc., as follows :

May appro-
priate money to
water public
streets.

SECTION 1. The town of Provincetown may annually appropriate money to water all or any of the public streets or roads within its limits.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

Chap. 40 AN ACT IN RELATION TO THE ADMISSION OF FRATERNAL BENEFICIARY ORGANIZATIONS OF OTHER STATES.

Be it enacted, etc., as follows :

1888, 429,
§ 11; 1890, 341,
§ 1 amended.

SECTION 1. Section eleven of chapter four hundred twenty-nine of the acts of the year eighteen hundred eighty-eight, as amended by section one of chapter three hundred forty-one of the acts of the year eighteen hundred ninety, is hereby amended by striking out, in the first and second lines, the words "associations or societies", and adding to the section at the end thereof the following: — Corporations of other states paying only disability and death benefits may, upon complying with the provisions of this act, be admitted to this Commonwealth. The transaction of the business defined in this act, by any corporation, association, partnership or individuals, unless organized or admitted as provided herein, is forbidden, — so as to read as follows: — *Section 11.*

Fraternal
beneficiary
organizations of
other states may
transact busi-
ness.

Fraternal beneficiary corporations organized under the laws of another state, now transacting in this Commonwealth business as herein defined, may continue such business upon the plans heretofore governing them, as reported to the insurance department, and by otherwise conforming to the provisions of this act. Corporations of other states paying only disability and death benefits may, upon complying with the provisions of this act, be admitted to this Commonwealth. The transaction of the business defined in this act, by any corporation, association, partnership or individuals, unless organized or admitted as provided herein, is forbidden.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

AN ACT TO INCORPORATE THE MILLIS SAVINGS BANK.

Chap. 41

Be it enacted, etc., as follows:

SECTION 1. Henry L. Millis, Moses Richardson, Moses Adams, Louis LaCroix, John S. Folsom, Alva L. Hollander, Joseph W. Farwell, their associates and successors, are hereby made a corporation by the name of the Millis Savings Bank, with authority to establish and maintain a savings bank in the town of Millis; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Millis Savings Bank incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

AN ACT TO FURTHER EXTEND THE TIME OF EXEMPTION OF THE CITY OF BROCKTON FROM THE OPERATION OF AN ACT RELATIVE TO THE LIMIT OF THE MUNICIPAL DEBT AND THE RATE OF TAXATION IN CITIES.

Chap. 42

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby exempted from the operation of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, until the first day of January in the year eighteen hundred and ninety-six.

Limit of municipal debt and rate of taxation in Brockton.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

AN ACT PLACING THE WATERS OF SQUAM POND IN THE CITY OF GLOUCESTER UNDER THE CONTROL OF THE UNITED STATES FISH COMMISSION.

Chap. 43

Be it enacted, etc., as follows:

SECTION 1. The control of the waters in Squam pond near Gloucester, a great pond within the limits of the Commonwealth, is hereby granted to the United States fish commission for the period of ten years, for the purpose of rearing therein young cod and pollock before turning them out into open waters; subject however to all lawfully existing rights in or concerning said pond.

Waters of Squam pond put under control of the United States fish commission.

SECTION 2. Whoever wilfully and without right defiles or pollutes the waters of said pond, or obstructs or interferes with the control or operations of said commission therein, shall be punished by a fine not exceeding fifty dollars.

Penalty.

Approved March 4, 1892.

Chap. 44 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

May make an
additional
water loan.

SECTION 1. The town of Marblehead, for the purposes mentioned in chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-six and acts amendatory thereof, is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof, Marblehead Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes ; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said acts for the issue of the Marblehead water loan by said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1892.

Chap. 45 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTED-
NESS BEYOND THE LIMIT FIXED BY LAW, FOR THE COMPLETION OF
A NEW CITY HALL BUILDING.

Be it enacted, etc., as follows :

May incur
indebtedness
beyond the
fixed limit for
completing a
new city hall
building.

SECTION 1. The city of Brockton, for the purpose of completing its new city hall building, in addition to the amount authorized by chapter two hundred and twenty-five of the acts of the year eighteen hundred and eighty-nine, may incur indebtedness to an amount not exceeding fifty thousand dollars outside the limit of indebtedness fixed by law ; and may from time to time issue negotiable bonds, notes or scrip therefor, denominated on the face thereof, Brockton City Hall Loan, 1892, signed by its mayor and city treasurer, payable in periods not exceeding thirty years from their date of issue, in fixed proportionate annual payments, and bearing interest at a rate not exceeding four and a half per cent. per annum.

Provisions of
P. S. 29, and of
1884, 129, to
apply.

SECTION 2. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue and sale of such securities.

SECTION 3. This act shall take effect upon its passage.

Approved March 4, 1892.

AN ACT TO INCORPORATE AND ENLARGE THE POWERS OF FIRE DISTRICT NUMBER ONE IN THE TOWN OF SOUTH HADLEY. *Chap. 46*

Be it enacted, etc., as follows :

SECTION 1. The organization now known as Fire District Number One in the town of South Hadley, and bounded as follows : Beginning on the easterly side of the Connecticut river, at the mouth of White's brook, and thence running northeasterly along said brook to the highway leading to the head of the canal, so-called, thence easterly along said highway to the old Falls Woods road, thence northerly along said road to a point opposite the northwesterly corner of land of George E. and Mary C. Lamb, thence easterly along the northerly line of land of said Lambs to land formerly of Adoniram J. Clark, thence southerly along the westerly line of said Clark's land to land of said Lambs, thence easterly along the northerly line of said Lambs' land to the highway leading from South Hadley Falls to Smith's ferry, thence, after crossing said highway, easterly along the northerly line of A. B. C. Delaunay to land of Elizabeth B. C. Lathrop, thence southerly along the westerly line of said Lathrop's land to land of Patrick F. Judge, thence easterly along the northerly line of land of said Judge and of Lynch brothers to a stone monument distant four hundred feet westerly from the westerly line of the highway leading from South Hadley Falls to South Hadley Center, thence northerly and parallel with said highway, at a distance of four hundred feet westerly from the westerly line of said highway, to a stone monument, thence easterly, crossing said highway at a point distant four hundred feet northerly from the house of Michael J. Sheehan, and crossing the highway leading from South Hadley Falls to Granby at a point distant four hundred feet northeasterly from the house of William McCutcheon to the Granby town line, thence southerly along the Granby line to the Hampden county line, thence westerly along the county line to Connecticut river, and thence northerly along Connecticut river to the place of beginning, is hereby made a corporation, and in addition to the powers which it now has under the general laws is invested with the rights, powers and privileges hereinafter specified.

Fire District
No. 1, South
Hadley, incor-
porated, and
powers en-
larged.

SECTION 2. The taking and purchase of land, water rights and easements heretofore made by said fire district

Purchase, etc.,
of land, water
rights, etc.

for the extinguishment of fires and domestic purposes, are hereby ratified and confirmed, and said fire district may hold said lands, water rights and easements for such uses, and the doings of said fire district and of its officers in relation to the taking and purchase of such lands, water rights and easements, are hereby ratified and confirmed.

May issue
bonds, not ex-
ceeding \$30,000.

SECTION 3. The said fire district, for the purpose of paying the expenses of the recent enlargement of its water supply, may issue bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, South Hadley Fire District Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, and shall be signed by the treasurer and prudential committee of the district. The fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purpose aforesaid upon such terms and conditions as it may deem proper.

Sinking fund to
be established.

SECTION 4. The said fire district, at the time of contracting said loan, shall provide for the establishment of a sinking fund, and shall annually contribute to said fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Such sinking fund shall remain inviolate and shall be used for no other purpose than the payment of said loan. Commissioners to hold and manage such sinking fund shall be chosen in the manner and with the powers and duties prescribed by sections ten and eleven of chapter twenty-nine of the Public Statutes.

To raise by
taxation suffi-
cient with
income from
water rates to
pay current
expenses, etc.

SECTION 5. The said fire district shall raise annually by taxation a sum which with the income derived from water rents will be sufficient to pay the current annual expense of operating its water works and the interest on the bonds, notes or scrip, issued as aforesaid by the district, and to make such contributions to its sinking fund and payments on its principal as may be required under the provisions of this act.

May purchase
or take lands,
water rights,
etc.

SECTION 6. The said fire district may purchase or take, in the manner provided by sections two and four of chapter one hundred and fourteen of the acts of the year eighteen hundred and seventy-two, and hold such other lands, water rights and easements within the town of South

Hadley as may be required for enlarging, extending or protecting its water works, and may raise by taxation for the purpose of such enlargement, extension or protection, a sum of money not exceeding three thousand dollars in any one year.

SECTION 7. Whenever the said fire district has voted to raise, by taxation, money for any purpose authorized by this act, the clerk shall render a certified copy of the vote to the assessors of the town of South Hadley, and such tax shall be assessed, collected and paid over by the appropriate officers of the town in the manner provided by law relative to other fire district taxes. Said fire district may collect interest on taxes when overdue, at a rate not exceeding six per cent. per annum, and may allow a discount for payment of taxes before they become due: *provided*, that the district at the time of voting to raise a tax shall so determine, and shall fix a time when said tax shall be payable.

Certified copy of vote to raise money by taxation to be sent to assessors of South Hadley.

Interest and discount on taxes.

SECTION 8. Whoever wantonly or maliciously diverts the water or any part thereof, taken or held by said fire district for the purposes aforesaid, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said district for such purposes, shall forfeit and pay to said fire district three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilfully corrupting or diverting water, etc.

Approved March 4, 1892.

AN ACT RELATING TO INSURANCE RISKS OF MUTUAL BOILER INSURANCE COMPANIES.

Chap. 47

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven, as amended by chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-one, is hereby amended by the addition of the following words at the end thereof: — *provided, however*, that a mutual boiler insurance company of this Commonwealth may insure in a single risk an amount not exceeding one fourth of its net assets, — so as to read as follows:—

1887, 214, § 20;
1891, 368,
amended.

Reinsurance. *Section 20.* No company authorized to transact the business of insurance in this Commonwealth shall directly or indirectly contract for or effect any reinsurance of any risk or part thereof taken by it on property in this Commonwealth with any company not authorized to transact such business of insurance in this Commonwealth: *provided, however,* that if it shall be found impossible to obtain in the companies authorized to transact business in this Commonwealth a sufficient amount of insurance to cover any single risk, reinsurance of policies upon such risk may be permitted in companies not so authorized; and whenever any such reinsurance shall be transacted the company effecting the same shall make a sworn report thereof to the insurance commissioner at the time of filing its annual statement, and at such other times as he may request, and such reinsurance shall not reduce the reserve which would otherwise be required on account of the original policy, or reduce the taxes which would otherwise be chargeable, or increase the amount it is authorized to have at risk in any town or fire insurance district. And no company shall insure in a single hazard a larger sum than one tenth of its net assets: *provided, however,* that a mutual boiler insurance company of this Commonwealth may insure in a single risk an amount not exceeding one fourth of its net assets.

Limit to amount of insurance in a single risk.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1892.

Chap. 48 AN ACT RELATING TO ASSISTANT ASSESSORS IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

Appointment of assistant assessors. SECTION 1. In the month of February in the year eighteen hundred and ninety-three, and in that month annually thereafter, the mayor of the city of Brockton shall, subject to confirmation by the board of aldermen, upon recommendation by the board of assessors, appoint one resident from each ward of said city to be an assistant assessor for the term of one year from the first day of March next ensuing. In case any vacancy shall exist or occur in the office of assistant assessor after the first day of March in any year, the mayor shall in like manner appoint a resident from the ward in which such vacancy occurs, for the unexpired term. It shall be the duty of the persons so appointed to furnish the assessors with all

Vacancies.

necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to a faithful performance of their duty. Their compensation shall be fixed by concurrent vote of the city council. The persons now holding the office of assistant assessors shall continue in office until the appointment of their successors, in the year eighteen hundred and ninety-three, and any vacancy occurring in their number shall be filled in the manner provided for in this section.

Compensation.

Assistant assessors now in office.

SECTION 2. Section eighteen of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-one, and all acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1892.

AN ACT TO CHANGE THE NAME OF THE OLD MEN'S HOME IN THE CITY OF WORCESTER. *Chap. 49*

Be it enacted, etc., as follows:

SECTION 1. The name of the Old Men's Home in the city of Worcester is hereby changed to the Home for Aged Men in Worcester.

Name changed.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation, by either of said names, shall vest in the Home for Aged Men in Worcester.

Devises, etc., to vest in Home for Aged Men in Worcester.

SECTION 3. This act shall take effect upon its passage.

Approved March 10, 1892.

AN ACT TO EXEMPT CERTAIN ENGLISH BLOODHOUNDS FROM THE PROVISIONS OF THE ACT PROHIBITING THE KEEPING OF BLOODHOUNDS. *Chap. 50*

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and forty of the acts of the year eighteen hundred and eighty-six shall not apply to any dogs of the species commonly known as the English bloodhound, of pure blood, whose pedigree is recorded or would be entitled to record in the English bloodhound herd book.

Certain provisions of law not to apply to the English bloodhound. 1886, 340.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1892.

Chap. 51 AN ACT RELATING TO THE USE OF CHECK-LISTS IN TOWN MEETINGS.*Be it enacted, etc., as follows:*Check-lists for
use in certain
town meetings.

SECTION 1. At any town meeting held between the day of the annual town meeting and the day of the annual state election next succeeding, the list of voters prepared for the annual town meeting shall be used, subject to the changes and erasures provided for by law.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1892.***Chap. 52** AN ACT RELATING TO THE SALARY OF THE LATE NICHOLAS A. APOLLONIO, CITY REGISTRAR OF THE CITY OF BOSTON.*Be it enacted, etc., as follows:*May pay salary
to widow of
Nicholas A.
Apollonio.

SECTION 1. The city of Boston is authorized to pay to the widow of Nicholas A. Apollonio late city registrar of said city, the amount of salary to which he would have been entitled had he lived and continued to hold his office until the first day of May in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1892.***Chap. 53** AN ACT RELATING TO THE COMMITMENT OF LUNATICS AND DIPSO-MANIACS.*Be it enacted, etc., as follows:*Commitment,
etc., of lunatics
and dipso-
maniacs.

SECTION 1. A person applying for the commitment or for the admission of a lunatic to a state lunatic hospital under the provisions of chapter eighty-seven of the Public Statutes, or for such commitment of a dipsomaniac under the provisions of chapter three hundred and thirty-nine of the acts of the year eighteen hundred eighty-five, or for the commitment of a dipsomaniac under the provisions of chapter four hundred and fourteen of the acts of the year eighteen hundred eighty-nine, shall first give notice in writing to the overseers of the poor of the place where the lunatic or dipsomaniac resides, except that in the city of Boston such notice shall be given to the commissioners of public institutions, of his intention to make such application; and satisfactory evidence that such notice has been given shall be produced to the justice in cases of commitment.

Repeal.

SECTION 2. Section fourteen of chapter eighty-seven of the Public Statutes is hereby repealed.

Approved March 10, 1892.

AN ACT RELATING TO THE SALARY OF THE LATE CHARLES H. INGALLS, *Chap. 54*
COUNTY COMMISSIONER OF THE COUNTY OF BERKSHIRE.

Be it enacted, etc., as follows:

SECTION 1. The county of Berkshire is hereby authorized to pay to the widow and daughter of Charles H. Ingalls late county commissioner of the county of Berkshire, the amount of salary to which he would have been entitled had he lived and continued to hold his office until the thirty-first day of December in the year eighteen hundred and ninety-two.

Salary of
Charles H.
Ingalls may be
paid to widow
and daughter.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1892.

AN ACT RELATING TO THE CONDITIONS UNDER WHICH DAMS MAY BE *Chap. 55*
ERECTED ACROSS NAVIGABLE STREAMS AND OUTLETS OF GREAT
PONDS FOR FLOWING CRANBERRY LANDS.

Be it enacted, etc., as follows:

Section forty-eight of chapter one hundred and ninety of the Public Statutes is hereby amended by inserting after the word "appropriated", in the first line thereof, the words:—or which he desires to appropriate,—by striking out the word "a", in the third line thereof, and inserting in place thereof the word:—any,—by striking out the words "not navigable", in the third line thereof, and by adding at the end of the section the words:—*provided, however*, that nothing herein contained shall authorize the erection or maintenance of a dam across any navigable stream, or across the outlet of any great pond, without a license obtained therefor from the board of harbor and land commissioners, in accordance with and subject to the provisions of chapter nineteen of the Public Statutes and of chapter three hundred and eighteen of the acts of the year eighteen hundred and eighty-eight,—so as to read as follows:—*Section 48.* Any owner or lessee of land appropriated, or which he desires to appropriate, to the cultivation and growth of the cranberry may erect and maintain a dam upon and across any stream for the purpose of flowing and irrigating said land, upon the terms and conditions and subject to the regulations contained in this chapter, so far as the same are properly applicable in such cases: *provided, however*, that nothing herein contained shall authorize the erection or maintenance

P. S. 190, § 48,
amended.

Erection of
dams across
streams, etc.,
for flowing
cranberry lands.

Provide.

nance of a dam across any navigable stream, or across the outlet of any great pond, without a license obtained therefor from the board of harbor and land commissioners, in accordance with and subject to the provisions of chapter nineteen of the Public Statutes and of chapter three hundred and eighteen of the acts of the year eighteen hundred and eighty-eight. *Approved March 10, 1892.*

Chap. 56 AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF ATTLEBOROUGH TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

May take land, water rights, etc., to increase its water supply.

To file in registry of deeds a description of lands, etc., taken.

Liability for damages.

SECTION 1. Fire District Number One of Attleborough is hereby authorized to take, by purchase or otherwise, and hold the waters of the Seven Mile river in the town of Attleborough, or the waters of any springs, wells or other ground water sources on the watershed of said river, or the waters of any other streams, springs, watershed or water sources at any point within said town, and the water rights connected with any of said sources, and all lands, rights of way and easements necessary for holding and preserving such water and for carrying the same to any part of said town of Attleborough; and said district may have, in relation to such new sources of water supply and the holding, preserving and conveyance of the water taken therefrom, all the powers, rights and privileges now possessed in relation to, or in connection with, its present source of water supply. Within sixty days from the taking of any land as aforesaid the district shall file in the registry of deeds for the county and district in which such land lies, a description thereof sufficiently accurate for identification, together with a statement of the purposes for which the same is taken.

SECTION 2. Said district shall be liable to pay all damages that shall be sustained by any person or corporation by reason of the proceedings of the district under this act; and any such person or corporation who shall be unable to agree with said district upon the amount of such damages, may have them assessed in the manner prescribed in section eight of chapter two hundred and seventy-one of the acts of the year eighteen hundred and seventy-three. But no application for the assessment of damages shall be made for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by the district.

SECTION 3. Said district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, and for the purpose of extending its street water pipes, issue from time to time bonds to an amount not exceeding seventy-five thousand dollars in addition to the bonds already issued by the district. Such bonds shall bear on their face the words, Attleborough Fire District Number One Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per centum per annum, and shall be signed by the treasurer of the district and countersigned by the water commissioners. The district may sell such bonds at public or private sale upon such terms and conditions as it may deem proper.

Attleborough
Fire District
Number One
Water Loan.

SECTION 4. The interest on such bonds shall be raised by taxation or water rates annually; and the district shall contribute to its sinking fund from year to year an amount raised annually by taxation or received from water rates or otherwise, sufficient with its accumulations to extinguish the debt at maturity. The record of and the securities belonging to any sinking fund of the district shall at all times be open to the inspection of the water commissioners or of any committee of the district duly authorized for the purpose. The provisions of sections eleven, seventeen and twenty-three of chapter twenty-nine of the Public Statutes shall apply to said district.

Interest on
bonds.
Contributions to
sinking fund.

Approved March 10, 1892.

AN ACT TO AUTHORIZE THE CITY OF WALTHAM TO MAKE ADDITIONAL LOANS FOR SEWERS AND DRAINS.

Chap. 57

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham is hereby authorized, for the purpose of providing further surface drainage in said city, and for the purpose of completing and extending its system of sewers, to incur indebtedness and to issue from time to time bonds, scrip, notes or other certificates of indebtedness therefor, to an amount not exceeding seventy-five thousand dollars beyond the limit of indebtedness now fixed by law for said city. So much of said sum as is borrowed for sewerage purposes shall be upon the terms and conditions set forth in chapter two hundred and five of the acts of the year eighteen hundred

May incur
indebtedness
beyond the pre-
scribed limit,
for drainage and
sewerage pur-
poses.

Provisions of
P. S. 29; 1884,
129 to apply.

and ninety, or any acts in amendment thereof or supplementary thereto; and the provisions of chapter twenty-nine of the Public Statutes relative to debts incurred in constructing sewers, and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, shall apply to the issue of such bonds, notes or scrip as are issued for surface drainage, and to the establishment of a sinking fund for the payment thereof at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1892.

Chap. 58 AN ACT TO ESTABLISH THE SALARY OF THE THIRD ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the third assistant clerk of the municipal court of the city of Boston for civil business shall be fifteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1892.

Chap. 59 AN ACT RELATING TO THE ISSUING OF RAILROAD PASSES AND THE COMPENSATION OF MEMBERS OF THE LEGISLATURE.

Be it enacted, etc., as follows:

Free railroad
passes not to be
issued to mem-
bers of the
legislature, etc.

SECTION 1. No railroad corporation shall issue to the governor, lieutenant-governor, any member of the council, any judge of the supreme judicial court or the superior court, probate court, municipal or district court, or county commissioners, or any member or member elect of the legislature, any free pass, or any ticket entitling him to transportation at a less rate of fare than is demanded of the public generally.

Penalty on
officer of rail-
road corpora-
tion.

SECTION 2. Any officer, agent or employee of a railroad corporation who issues, delivers or offers to any person mentioned in section one of this act, or to or for any other person at the request, solicitation or procurement of any person mentioned in section one, any free pass or any ticket entitling him to transportation at a less rate of fare than is demanded of the public generally, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

SECTION 3. Any person mentioned in section one of this act who requests, for himself or another, accepts or uses any free pass upon a railroad, or any ticket entitling him to transportation upon a railroad, for which he has paid a less price than is demanded of the public generally, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Penalty on members, etc.

SECTION 4. Each member of the senate and house of representatives shall receive seven hundred and fifty dollars for the regular annual session for which he is elected, and two dollars for every mile of ordinary travelling distance from his place of abode to the place of the sitting of the general court; and the president of the senate and the speaker of the house shall receive double the compensation provided for members, and two dollars for every mile of ordinary travelling distance from his place of abode as aforesaid.

Compensation for attendance and travel of members.

SECTION 5. This act shall take effect upon its passage.

Approved March 14, 1892.

AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO INCREASE ITS *Chap. 60*
WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. The city of Fitchburg, for the purpose of supplying water to its inhabitants, is hereby authorized to take and hold, by purchase or otherwise, and convey to, into and through said city the waters of Wachusett lake in the towns of Princeton and Westminster and the waters that flow into and from the same, and any water rights connected therewith, and to take and hold, by purchase or otherwise, subject always to the restrictions and limitations hereinafter set forth, such land on and around the margin of said lake, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters: *provided, however*, if it shall be necessary to take any lands within said five rods, and within the limits of any highway or town way in said Westminster, then all damages, cost and expense resulting from the discontinuance of any part of such highway or town way, or from the relocation or reconstruction of the same under proper legal proceedings, shall be assessed upon and paid by the said city of Fitchburg; and to take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and main-

May take waters of Wachusett lake in Princeton, etc., for increase of water supply.

Provided.

taining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through and to said city.

May take
waters of
Meetinghouse
pond in
Westminster,
etc.

Proviso.

SECTION 2. Said city, for the purpose aforesaid, is hereby authorized to take and hold, by purchase or otherwise, and to convey to and into the said city, the waters of Meetinghouse pond in the town of Westminster and the waters which flow into and from the same, and any water rights connected therewith, and to take and hold, by purchase or otherwise, such land on and around the margin of said reservoir, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters: *provided, however*, if it shall be necessary to take any lands within said five rods and within the limits of any highway or town way in said Westminster, then all damages, cost and expense resulting from the relocation or reconstruction of the same under proper legal proceedings, shall be assessed upon and paid by the said city of Fitchburg; and to take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through and to said city.

May lay neces-
sary aqueducts
and pipes.

SECTION 3. Said city is authorized to lay all necessary and proper aqueducts and pipes over or under any water-course, street, railroad, highway or other ways, or over private lands, in such a manner as not to unnecessarily obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying down said pipes beneath the surface thereof and for maintaining and replacing the same; but always in such manner and with such care as not to render the roads, streets and ways unnecessarily unsafe or inconvenient to the public travel thereon. Said city in performing said work shall be subject to such reasonable regulations as to time, place and manner of digging up any streets or ways of public travel, for the purpose aforesaid, as shall be made by the selectmen of the town of Westminster, within the limits of said town, for the protection of the public rights of passage thereon.

May take
waters of
Wyman's
reservoir, etc.

SECTION 4. Said city is also authorized to take and hold, by purchase or otherwise, the waters of Wyman's reservoir, so-called, in the town of Westminster, and the

waters which flow into and from the same, and any water rights connected therewith, to be used as a compensating reservoir for all damages that would otherwise arise to mill owners by reason of the taking and diverting of the waters of Wachusett lake and Meetinghouse pond; and to take and hold in like manner such lands as may be necessary for building, erecting and maintaining a dam for storing and distributing said waters. Said city is authorized to contract with mill owners whose rights are affected, in relation to the manner and mode of using, controlling and operating said compensating reservoir.

SECTION 5. Nothing in this act contained shall be so construed as to prevent or restrict the said town of Westminster, at any time hereafter, from taking so much of the waters of said Meetinghouse pond and the waters flowing into the same as may be required for the purpose of supplying its inhabitants with pure water for domestic, fire and other uses, having previously obtained legislative authority for so doing. And in case the said town of Westminster shall so take the waters of said pond, the said town shall pay to the said city of Fitchburg such sum of money as shall be agreed upon by said town and said city as the just and proportionate part or share of said town of Westminster, of the amount of damages that shall have been lawfully paid by or assessed or awarded against said city of Fitchburg for taking the waters of said Meetinghouse pond or water rights therein or connected therewith, under the provisions of this act. And in case said city of Fitchburg and said town of Westminster shall not agree upon the amount to be paid as aforesaid to said city of Fitchburg, then either party may petition the superior court for the appointment of a commission of three suitable persons, who shall hear the parties and determine the amount of money that shall be paid by said town to the city of Fitchburg as the just and proportionate share or part of said town, for damages lawfully paid by, assessed or awarded against said city of Fitchburg for the taking of the waters of said Meetinghouse pond and the waters which flow into the same, and for injury to water rights consequent upon such taking, under the provisions of this act.

SECTION 6. The said city shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by

Westminster
not to be
deprived of
right to take
waters of
Meetinghouse
pond.

Payment of
damages.

To file in
registry of
deeds descrip-
tion of lands,
etc., taken.

purchase, file and cause to be recorded in the registry of deeds for the northern district of the county of Worcester, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same are taken, signed by the water commissioners of said city.

Liability of city
of Fitchburg for
damages.

SECTION 7. The said city shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under the authority of this act, except that said city shall not be liable to pay any damages resulting from taking water from said Wachusett lake and Meetinghouse pond other than the state itself would be legally liable to pay. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

No application
to be made for
damages until
water is actu-
ally withdrawn.

City of Fitch-
burg Water
Loan, not to
exceed \$300,000.

SECTION 8. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate three hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, City of Fitchburg Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per centum per annum, and shall be signed by the treasurer and countersigned by the mayor. Said city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, but the same shall not be sold or pledged for less than the par value thereof. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred twenty-nine of the acts of the year eighteen

May sell
securities at
public or
private sale, etc.

hundred eighty-four shall in all other respects apply to the issue of said bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilfully corrupting or diverting water.

SECTION 10. This act shall take effect upon its passage.

Approved March 14, 1892.

AN ACT TO SUPPLY THE TOWN OF ORANGE WITH WATER.

Chap. 61

Be it enacted, etc., as follows:

SECTION 1. The town of Orange may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water and fix and collect rates to be paid for the use of the same.

Town of Orange may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of North pond, so-called, or of any other ponds, springs, streams, artesian or driven wells or filter galleries, within the limits of said town of Orange, and the water rights and water sources connected therewith; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Orange; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water-courses, railroads, or public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining

May take the waters of North pond, etc.

May lay down conduits, pipes and other works.

May dig up
lands, etc.

and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

To file in the
registry of deeds
within sixty
days, a descrip-
tion of lands,
etc., taken.

SECTION 3. The said town shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Payment of
damages by the
town.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property, by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

No application
for damages to
be made until
the water is
actually taken.

Orange Water
Loan not to ex-
ceed \$125,000.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to any amount not exceeding in the aggregate one hundred and twenty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words, Orange Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and

shall be signed by the treasurer and be countersigned by the selectmen of the town. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Payment of interest. Sinking fund to be established.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for payment of loan in annual proportionate payments.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of section six of this act, and shall also state the amounts raised and applied thereunder for the current year.

Return to state amount of the sinking fund established.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation sufficient with income from water rates to meet expenses, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to

Penalty for wilfully corrupting or diverting water.

said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 10. The said town shall, after the acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees of the sinking fund.

Subject to acceptance by a two thirds vote at any time within three years.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at any legal town meeting called for the purpose within three years from its passage; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots, and the polls shall be kept open at least four hours. At such meetings the selectmen shall preside, and in receiving said ballots the check-list shall be used in the same manner as it is used at elections of national, state and county officers.

Approved March 15, 1892.

Chap. 62 AN ACT RELATIVE TO THE REMOVAL OF TRUANTS TO UNION OR COUNTY TRUANT SCHOOLS.

Be it enacted, etc., as follows:

Removals to union or county truant schools.

SECTION 1. Section one of chapter four hundred and twenty-six of the acts of the year eighteen hundred and

ninety-one is hereby amended by inserting in the second line, after the word "union", the words: — or county, — by inserting in the fourth line, after the word "commitment", the words: — and with the consent of the county commissioners of the county in which such truant school is established, — and by inserting in the seventh line, after the word "union", the words: — or county, — so as to read as follows: — *Section 1.* The school committee of any city or town in any county or counties where a union or county truant school has been or shall hereafter be established, may, with the approval of the court making the original commitment and with the consent of the county commissioners of the county in which such truant school is established, cause all persons confined in the truant or farm school in such city or town, when such farm school is a truant school, to be removed to such union or county truant school to complete the term for which they were originally committed, subject however to the provisions of law as to release before the expiration of such term.

1891, 426,
§ 1 amended.

Removal of
truants to union
or county
truant schools.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1892.

AN ACT RELATIVE TO THE PACKING AND BRANDING OF NAILS.

Chap. 63

Be it enacted, etc., as follows:

SECTION 1. Wire nails shall be packed and the packages marked or branded as required by sections fifty-six and fifty-seven of chapter sixty of the Public Statutes in the case of wrought and cut nails.

Wire nails to be
packed and
branded.
P. S. 60, §§ 56,
57.

SECTION 2. If a cask, package or quantity of wrought or cut nails, wire nails or brads, manufactured in this Commonwealth or elsewhere and not branded or marked as required by said section fifty-seven, is offered or exposed for sale within this Commonwealth or put on board a vessel or carriage of conveyance, excepting when so put on board in order to be carried out of the Commonwealth, the same shall be forfeited.

Penalty for
selling, etc.,
casks, etc., of
nails not
branded.

SECTION 3. Whoever counterfeits a brand used or intended to be used for the purpose of marking a cask of nails or brads, or destroys or alters a mark or impression made by another person's brand on a cask of wrought or cut nails, wire nails or brads, and causes a different impression by such counterfeit brand to be marked or impressed thereon, or shifts any such nails or brads from

Penalty for
counterfeiting,
etc., a brand,
shifting contents
of casks, etc.

one branded cask to another and thereby avails himself of another person's brand, shall forfeit twenty dollars.

Disposition of
forfeitures

SECTION 4. All moneys for forfeitures recovered or received by virtue of this act shall enure one half to the informer and one half to the Commonwealth.

Repeal.

SECTION 5. Sections fifty-eight, fifty-nine and sixty of chapter sixty of the Public Statutes are hereby repealed.

To take effect
July 1, 1892.

SECTION 6. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-two.

Approved March 15, 1892.

Chap. 64 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Brockton Water
Loan may be
increased
\$100,000.

SECTION 1. The city of Brockton, for the purposes mentioned in section four of chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, may issue from time to time notes, bonds or scrip, signed by its treasurer and countersigned by its mayor, to be denominated on the face thereof, Brockton Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town or city of Brockton for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Brockton water loan by the town of Brockton: *provided*, that the whole amount of such notes, bonds or scrip issued by said town and city for the same purposes shall not exceed the amount of six hundred and twenty thousand dollars.

Proviso.

Subject to
acceptance by a
two thirds vote
of the city
council.

SECTION 2. This act shall take effect upon its acceptance by a vote of two thirds of all the members of each branch of the city council of said city of Brockton.

Approved March 15, 1892.

Chap. 65 AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO MAINTAIN A
BRIDGE OVER THE NORTH CANAL OF THE ESSEX COMPANY ON
BROADWAY IN SAID CITY.

Be it enacted, etc., as follows:

May maintain a
bridge over the
north canal of
the Essex Com-
pany.

SECTION 1. The city of Lawrence is hereby authorized and required hereafter to maintain and keep in good repair a sufficient bridge over the north canal and lock of

the Essex Company where said canal crosses Broadway in said city ; and the said Essex Company is hereby relieved and discharged from all duty and liability imposed upon said company by the fourth section of chapter one hundred and sixty-three of the acts of the year eighteen hundred and forty-five or any act in addition thereto, to make and maintain such bridge.

SECTION 2. The agreement of indenture executed by and between the said city of Lawrence and the said Essex Company, on the thirty-first day of July in the year eighteen hundred and ninety-one, providing for the maintenance of such bridge by the said city of Lawrence, and the discharge of the said Essex Company from all further duty or liability in respect thereto, is hereby ratified and confirmed.

Agreement and indenture ratified.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1892.

AN ACT TO AUTHORIZE THE FEOFFEEES OF THE GRAMMAR SCHOOL IN THE TOWN OF IPSWICH TO SELL AND CONVEY CERTAIN REAL ESTATE.

Chap. 66

Be it enacted, etc., as follows :

SECTION 1. The feoffees of the grammar school in the town of Ipswich may sell and convey by deed executed by their treasurer, all their rights and interest in Jeffreys Neck pasture in said Ipswich.

May sell, etc., certain real estate.

SECTION 2. Said feoffees may deposit the net proceeds of such sale in any savings bank in this Commonwealth, or may invest the same in any securities in which such savings banks are now or may hereafter be authorized to invest their deposits, the income thereof to be used for the support of said grammar school, agreeable to an act incorporating certain persons as feoffees of said school and for regulating the same, passed in the year seventeen hundred and sixty-five and made perpetual by an act passed on the fourteenth day of February in the year seventeen hundred and eighty-seven.

Disposition of proceeds of sale.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1892.

AN ACT TO RAISE THE STANDARD OF THE ILLUMINATING POWER OF GAS.

Chap. 67

Be it enacted, etc., as follows :

SECTION 1. Section fourteen of chapter sixty-one of the Public Statutes, as amended by chapter two hundred

P. S. 61, § 14; 1886, 250; 1890, 252, amended.

Inspection and
testing of illu-
minating gas.

Penalty.

and fifty of the acts of the year eighteen hundred and eighty-six and chapter two hundred and fifty-two of the acts of the year eighteen hundred and ninety, is hereby amended by striking out in the thirteenth line of said section, the word "fifteen", and inserting in place thereof the word : — sixteen, — so as to read as follows : — *Section 14.* The gas of every company supplying more than fifty consumers shall be inspected at least twice a year, and one additional inspection shall be made for every six million cubic feet of gas supplied by each company ; but the gas of no company shall be inspected oftener than once a week. All such inspections shall be made by the inspector or his assistant, and one fourth at least of all such inspections shall be made by the inspector. The gas shall be tested for illuminating power by means of a disc photometer, and, during such test, shall be burned from the burner best adapted to it, which is at the same time suitable for domestic use, and at as near the rate of five feet per hour as is practicable. When the gas of any company is found on three consecutive inspections to give less light than sixteen standard English candles, or to contain more than twenty grains of sulphur or ten grains of ammonia per hundred cubic feet of gas, or any sulphuretted hydrogen, a fine of one hundred dollars shall be paid by such company to the city or town supplied by it. When during the test the consumption of gas varies from five feet per hour, or the candle from one hundred and twenty grains per hour, a proportionate correction shall be made for the candle power.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1892.

Chap. 68 AN ACT AUTHORIZING ADVANCES TO THE METROPOLITAN SEWERAGE COMMISSIONERS.

Be it enacted, etc., as follows :

Advances from
the treasury
may be made to
commissioners.

SECTION 1. Until the completion of the systems of sewerage provided for in chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, the clerk of the board of metropolitan sewerage commissioners or such other person as said board may designate, may have advanced to him from the money in the treasury of the Commonwealth known as the Metropolitan Sewerage Loan, such sums, not exceeding ten thousand dollars at any time, as the auditor may certify to be

necessary to enable said board to make direct payment upon its pay rolls and other accounts. The person so designated by said board shall give a bond with sufficient sureties, to be approved by the auditor of the Commonwealth, in the sum of ten thousand dollars.

SECTION 2. As soon as may be after expending such advance, and in any case within thirty days from the receipt thereof, the officer who has received money of the Commonwealth under the provisions of this act shall file with the auditor a statement in detail of the sums expended subsequent to the previous accounting, approved by the board, if any, authorized to supervise such expenditure, and, where it is practicable to obtain them, receipts or other like vouchers of the persons to whom the payments have been made.

Statement in detail of sums expended to be made to the auditor.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1892.

AN ACT RELATING TO THE LAYING OUT OF WAYS IN THE TOWN OF BROOKLINE. *Chap. 69*

Be it enacted, etc., as follows:

SECTION 1. In the laying out, locating anew, altering or widening of ways in the town of Brookline, whether made under the provisions of law authorizing the assessment of betterments or not, the selectmen of said town and the county commissioners of Norfolk county shall have power to lay out and reserve, between the side lines of such ways, spaces for the special use of persons riding on horseback; for the special use of street railways, whether operated by animal or other power, on such conditions and subject to such regulations as the selectmen of the said town may from time to time adopt, and for special use as planting spaces: *provided, however,* that no way in said town, laid out, located anew, altered or widened by said selectmen under this act, shall be established until the same shall have been accepted and allowed by said town, in town meeting, in the manner now or hereafter provided by law for the acceptance and allowance by towns of town ways.

Laying out, altering, widening, etc., ways in Brookline.

Provided.

SECTION 2. This act shall take effect upon its passage so far as to allow said town to vote upon the acceptance thereof, but shall not take full effect until the same shall have been accepted by a majority of the voters of said town present and voting by ballot at a town meeting called for this purpose.

Subject to acceptance by a majority vote.

Approved March 16, 1892.

Chap. 70 AN ACT RELATING TO THE ABOLITION OF GRADE CROSSINGS IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

Abolition of
grade crossings
in the city
of Newton.
1890, 428.

SECTION 1. Authority is hereby given to the mayor and aldermen of the city of Newton, and to the directors of the Boston and Albany Railroad Company, to include in any petition under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety for the abolition of grade crossings upon the main line of said railroad company, any and all crossings of said railroad by ways above the grade of said railroad, and also all private ways over or across said railroad or the property of said railroad company; and the superior court and the justices thereof, and any commission appointed thereby, are also authorized to deal with and to include any and all such crossings above grade and private ways in any proceedings relating thereto, to the same extent as if they were respectively crossings of public ways at the level of the railroad; and said court and commission are authorized to make, by suitable openings or otherwise, provision for future crossings of said railroad by new streets to be hereafter laid out; and all provisions of said chapter four hundred and twenty-eight and any acts in amendment thereof shall apply to all the provisions of this act and crossings named therein.

Recovery of
damages.

SECTION 2. Any owner of private rights of way over said railroad, whose rights of way are injured or destroyed by any proceedings under this act, may recover damages therefor in the manner damages may be recovered under said chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts amendatory thereof.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1892.

Chap. 71 AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO PROVIDE FOR THE PAYMENT OF ITS FUNDED DEBT BY ANNUAL PAYMENTS OF SUCH AMOUNTS AS WILL IN THE AGGREGATE EXTINGUISH THE SAME WITHIN THE TIME LIMITED BY LAW.

Be it enacted, etc., as follows:

1887, 194,
§ 2 amended.

SECTION 1. Section two of chapter one hundred and ninety four of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out all after the word "payment", in the sixteenth line, and inserting

in place thereof the following words: — and for the payment from time to time of the outstanding notes, bonds or scrip, which shall constitute the said remainder of its indebtedness, as they shall severally mature, in such annual proportionate sums as will extinguish, or in annual payments of such amounts as will in the aggregate extinguish, said indebtedness or the loans incurred in payment of the same or any part thereof, within the time hereby authorized; and the amount required for such payments shall without further vote be assessed by the assessors of said city in each year thereafter until the said indebtedness shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes, — so as to read as follows: — *Section 2.* The said city, availing itself of the provisions of the foregoing section, may issue new notes, bonds or scrip, from time to time, as the outstanding notes, bonds or scrip, which shall then constitute the remainder of its indebtedness, shall severally mature, for the purpose of providing for the payment of the same, and may make said notes, bonds or scrip, so issued as aforesaid, payable at a time not exceeding twenty years from the date of said issue, and shall at the time of said issue establish a sinking fund and contribute thereto from year to year an amount raised annually by taxation sufficient, with its accumulations, to pay said notes, bonds or scrip, so issued as aforesaid, at their maturity; or, instead of providing for the payment of the said remainder of the said indebtedness in the manner just before provided, the said city may provide for its payment, and for the payment from time to time of the outstanding notes, bonds or scrip, which shall constitute the said remainder of its indebtedness, as they shall severally mature, in such annual proportionate sums as will extinguish, or in annual payments of such amounts as will in the aggregate extinguish, said indebtedness or the loans incurred in payment of the same or any part thereof, within the time hereby authorized; and the amount required for such payments shall without further vote be assessed by the assessors of said city in each year thereafter until the said indebtedness shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May issue new notes, bonds or scrip, and establish a sinking fund.

May make annual proportionate payments instead of establishing sinking fund.

Amount required to be assessed by the assessors.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1892.

Chap. 72 AN ACT TO AUTHORIZE THE MASSACHUSETTS MEDICAL BENEVOLENT SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows :

May hold additional real and personal estate.

SECTION 1. The Massachusetts Medical Benevolent Society is hereby authorized to hold real and personal estate not exceeding in value the sum of one hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1892.

Chap. 73 AN ACT TO INCORPORATE THE WILDEY SAVINGS BANK IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Willey Savings Bank incorporated.

SECTION 1. Henry Denver, John J. Whipple, Henry A. Thomas, Horace W. Stickney, J. Lawrence Martin, Charles Q. Tirrell, Edwin L. Pillsbury, Charles N. Alexander, Francis Jewett, William F. Cook, John H. Locke, Charles E. Hibbard, John M. Raymond, George H. Howard, Asa T. Newhall, Alexander B. Bruce, Samuel C. Hart, Francis E. Harrington, Herbert A. Chase, their associates and successors, are hereby made a corporation by the name of the Wildey Savings Bank, to be located in the city of Boston ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1892.

Chap. 74 AN ACT RELATING TO THE TAKING OF OYSTERS IN THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows :

P. S. 91, § 94, amended.

Taking of oysters regulated.

Section ninety-four of chapter ninety-one of the Public Statutes is hereby amended by inserting in the fifth line thereof, after the word "town", the words : — except the town of Yarmouth, — so as to read as follows : — *Section 94.* The mayor and aldermen of a city or selectmen of a town in which there are oyster beds may grant a permit in writing to any person to take oysters from their beds at such times, in such quantities, and for such uses, as they shall express in their permit ; and every inhabitant of such city or town, except the town of Yarmouth, may, without

such permit, take oysters from the beds therein for the use of his family, from the first day of September to the first day of June, not exceeding in any week two bushels, including the shells. *Approved March 18, 1892.*

AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

Chap. 75

Be it enacted, etc., as follows:

SECTION 1. Such of the following named corporations Corporations dissolved. as are not already legally dissolved, viz.: —

Acushnet Paper Company, The,
 Adams Paper Company,
 Agawam Co-operative Shoe Company,
 Albert-Type Printing Company, The,
 Albion Lead Works,
 Alexander Company, The,
 Allston Car Wheel Company,
 Allston Steel Wheel Company,
 American Art Foundry, The,
 American Carpet Cleaning Company,
 American Carpet Lining Company,
 American Consolidated Fire Extinguisher Company,
 American Co-operative Boot and Shoe Company, The,
 American Diorama Company, The,
 American Electric Company,
 American Electric Light Company of Massachusetts, The,
 American Furniture Company, The,
 American Gas Lighting Company, The,
 American Gas Screen Manufacturing Company,
 American Homes Publishing Company, The,
 American Horse Collar Company,
 American Improved Gas Light Company of Boston,
 American Improved Gas Light Company of Lawrence,
 American Improved Gas Light Company of Lowell,
 American Improved Gas Light Company of Massachusetts,
 American Machine Company,
 American Magnesium Company,
 American Marble Cutting Company,
 American Mercantile Company,
 American Metallic Tubing Company,
 American Needle Loom Company, The,
 American Nickel Plating Works,
 American Powder Company,
 American Railway Frog Company,
 American Straw Sewing Machine Company,
 American Street Light Reflector Company,
 American Tablet Manufacturing Company,

Corporations
dissolved.

American Wiring Machine Company, The,
Anchor Tape and Webbing Company,
Apollo Manufacturing Company, The,
Aquadelle Company,
Arms and Bardwell Manufacturing Company, The,
Aromatic Pillow Company,
Art Newspaper Company, The,
Askie Manufacturing Company,
Assonet Fishing Company,
Athol Music Hall Association,
Atlantic and Gulf Steam Transportation Company,
Atlantic Car Company,
Atlas Horse Nail Company,
Attleboro' Coffee House Company,
Attleboro' Grocery Company, The,
Attleborough Steam Power Company,
Automatic Music Paper Company,
Automatic Roller Toboggan Company,
Automatic Sliding Company, The,
Avery Carbonic Acid Gas Company,
Avon Stone Company, The,
Ayer Telephone Exchange Company, The,
Baker Water Motor Company,
Ball Glove Fastening Company,
Ballou Boot and Shoe Sewing Machine Company,
Banker and Tradesman Publishing Company,
Banning Celluloid Supporter Company,
Barretts Junction Water Power Company, The,
Battery Wharf Company,
Bay State Arms Company, The,
Bay State Boot and Shoe Manufacturing Company,
Bay State Cash Carrier Company,
Bay State Comb Company,
Bay State Fire Insurance Company,
Bay State Hardware Company,
Bay State Telephone Company, The,
Bay State Wheel Company,
Beaman Manufacturing Company,
Beaver River Mills,
Beckwith Lumber Company,
Bedford Manufacturing Company,
Bee Hive Works,
Bel Air Manufacturing Company,
Bengal Bagging Company,
Benjamin Franklin Co-operative Council of the Sover-
eigns of Industry, No. 76, of Mass.,
Benson Patent Manufacturing Company, The,
Berkshire Paper Company, The,
Beverly Citizens Co-operative Store, The,

Bickford Spinner and Knitting Machine Company,
 Big Flat Gravel Mining Company,
 Black River Mining Company,
 Blue Hill Land Company,
 Bond Cracker Company,
 Border City Mills,
 Boston and Breckenridge Smelting Company,
 Boston and Colorado Gold Mining Company,
 Boston and Fairhaven Iron Works,
 Boston and Maine Foundry Company,
 Boston and New York Rubber Company,
 Boston and New York Slate and Tile Company,
 Boston and Northern Telephone Company,
 Boston and Richmond Steamship Company,
 Boston and Sandwich Boot and Shoe Company,
 Boston and Vermont Telegraph Company,
 Boston Asphalt Paving Block Company,
 Boston Bijou Theatre Company,
 Boston Box and Tag Company,
 Boston Car Spring Company,
 Boston City Flour Mills,
 Boston Coffee House Company,
 Boston Color Printing Company,
 Boston Consolidated Produce Company, The,
 Boston Co-operative Savings Company, The,
 Boston Co-operative Store,
 Boston Copper Mining Company, The,
 Boston Copying Company, The,
 Boston Elastic Fabric Company,
 Boston Electric Railway Signal Company, The,
 Boston Gas Improvement Company,
 Boston Heel and Leather Company,
 Boston Hydraulic Gold Mining Company,
 Boston Insurance Company,
 Boston Iron Company,
 Boston Ivory Manufacturing Company,
 Boston Lock Company,
 Boston Machine Company,
 Boston Marquetry Flooring Company, The,
 Boston Metallic Harness Lug Company, The,
 Boston Mortgage Company,
 Boston Multiple Color Printing Company,
 Boston Needle Company,
 Boston News Company, The,
 Boston Oil Company,
 Boston Optical Company,
 Boston Post Company,
 Boston Preserving Company,
 Boston Red Stone Company,

Corporations
 dissolved.

Corporations
dissolved.

Boston Rolling Mills,
 Boston Roofing and Tile Corporation, The
 Boston Screw Company,
 Boston Skating Rink Association,
 Boston Tool Company,
 Boston Transportation Company, The,
 Boston Varnish and Paint Company,
 Boston Wheat and Bread Company,
 Boylston Fire and Marine Insurance Company,
 Boynton Packing Company,
 Bramanville Cotton Mills,
 Brockton Co-operative Cash Store,
 Brockton Telephone Company,
 Brockway Pyroxyline Manufacturing Corporation,
 Bullion Consolidated Mining Company,
 Burling Mills,
 Busell Edge Trimmer Company,
 C. F. Simonds Hotel Company, The,
 Cambridge and Somerville Electric Light Company,
 Cambridge Brick Company,
 Cambridge Improvement Company,
 Cambridge Land and Building Association,
 Canadian Stop Motion Company, The,
 Canton Aqueduct Corporation,
 Cape Cod Canal Company,
 Carroll Paper Company,
 Cary Manufacturing Company,
 Casino Amusement Company, The,
 Centennial Co-operative Boot and Shoe Company, The,
 Central Manufacturing Company,
 Chapin Paper and Pulp Company, The,
 Chapman Valve Company,
 Charles Arms Manufacturing Company, The,
 Charles River Navigation Company,
 Charles River Steam Navigation Company, The,
 Charles River Steamboat Company, The,
 Chas. W. Copeland Manufacturing Company,
 Charlestown Workingmen's Co-operative Association,
 Chelsea Sovereigns Co-operative Association, The,
 Childs' Elastic Heel and Shank Company,
 Chrolithion Manufacturing Company,
 Cigar Manufacturers Co-operative Association,
 Citizens' Gas Company, The,
 City Fire Insurance Company,
 Civil Service Co-operative Society, The,
 Clement and Hawkes Manufacturing Company,
 Coggeshall Manufacturing Co., The,
 Cold Blast Refrigerator Company,
 Columbus Hotel Company,

Compagnie d'Imprimerie Canadienne Francaise de Corporations
dissolved.
Lowell,
Conant Manufacturing Company,
Concentric Chuck Company, The,
Concord Granite Company,
Consolidated Edge and Heel Trimmer Company, The,
Consolidated Wax Thread Sewing Machine Company,
Conway Fire Insurance Company,
Cook Tree Protective Company of Boston, Massachu-
setts,
Co-operative Association No. 76, Sovereigns of Industry,
Co-operative Furniture Company,
Co-operative Market of Webster,
Co-operative Mutual Homestead Company, The,
Co-operative Workingmen's Corporation,
Craighead & Kintz Manufacturing Company, The,
Crompton Carpet Company,
Crown Hill Phosphate Company,
Cumberland Brown Stone Company,
Danvers Carpet Company,
Danvers Skating Rink Association, The,
Democrat Publishing Company,
Domestic Needle Works,
Dorchester Co-operative Store, The,
Douglas Axe Manufacturing Company,
Douglas Woolen Company, The,
Dracut Nickel Mining Corporation, The,
Drake Gas Light Company,
Dudley Hosiery Mills,
Dunbar Company,
Dunlap and Lyman Manufacturing Company,
Duplex Tag Company,
Duralite Manufacturing Company, The,
Dwight and Hoyt Construction Company,
E. A. Bliss Company, The,
E. Carver Company,
E. R. Barnes & Company, Limited,
Eagle Cotton Company,
Eagle Metallic Brush Company,
Eagle Odorless Apparatus Company of Boston and
Philadelphia, The,
Eagle Turkey Red Dyeing Company, The,
East Abington Crispin Co-operative Association,
East Haven Company,
East Liverpool Manufacturing Company,
Eastern Marine Railway Company,
Eastern Slate Company of Boston, The,
Eastern Stone Company,
Economic Gas Light Company,

Corporations
dissolved.

Economist Publishing Company, The,
Electric Lighting and Telegraph Company, The,
Electric Telegraph Instruction Company, The,
Elliot Fire Insurance Company,
Ellis Gas Burner Company,
Ellis Saw Company,
Ellsworth Shade Manufacturing Company, The,
Entre Rios Eastern Railway Company, The,
Equitable Gas Company of Springfield,
Equitable Pioneer Co-operative Association,
Essex Co-operative Boot and Shoe Company,
Essex Mill Corporation,
Estes Plow Company,
Eureka Ventilating Horse Cover Company,
European Globe Nail Company,
Excelsior Box Company,
Exchange Insurance Company.
F. B. Rogers Silver Ware and Cutlery Company,
Fairbanks Co-operative Medical Company,
Fairhaven Iron Works,
Fall River Daily Sun Publishing Company, The,
Fall River Print Works,
Farmer-Calder Rod Packing Company,
Farmers and Mechanics Co-operative Association, The,
Farnum Cotton Mills,
Felton Paper Company,
Fidelity Assurance Company of Massachusetts,
Firemen's Insurance Company,
First Mutual Fire Insurance Company of Boston,
First Weymouth Laborers Co-operative Association,
First Worcester Co-operative Grocery and Provision
Association,
Fitchburg Carbonized Stone and Pipe Company,
Fitchburg Flour Company,
Fitchburg Gold and Silver Mining Company,
Fitchburg Scythe and Tool Company,
Fitchburg Tool Company,
Flax Pond Water Company,
Florence Mercantile Company,
Florence Sewing Machine Company,
Forest Hill Company,
Forest Hill Garden Company,
Forest River Lead Company,
Forge Village Horse Nail Company,
Foundry and Machine Company,
Framingham Light, Heat and Power Company,
Franco-American Publication Society, The,
Franconia Iron and Steel Company,
Franklin Co-operative Boot and Shoe Company, The,

Franklin Electric Gas Lighting Company, The,
 Franklin Insurance Company,
 Franklin Rubber Company,
 Franklin Stock Company,
 Frenyear and Razee Company, The,
 Gage Chuck Company, The,
 Gardner Industrial Co-operative Association,
 Gardner Manufacturing Company,
 Gas Light Improvement Company, The,
 Gay Machine and Tool Company,
 Gazette Publishing Company,
 George F. Blake Manufacturing Company,
 George Noyes Ploughman Company,
 George Woods Company,
 German-American Powder Company,
 Gillespie Governor Company,
 Glass Pipe and Pump Company,
 Glendale Woolen Company,
 Globe Insurance Company,
 Globe Publishing Company, The,
 Gloucester Copper Paint Company,
 Gloucester Fire Insurance Company,
 Golden Rule Publishing Company, The,
 Good Times Publishing Company, The,
 Goodyear Rubber Company,
 Gordon and Duggan Safety-Switch Company, The,
 Gosnold Mills,
 Gosnold Working Men's Co-operative Association,
 Goulding Mills,
 Grafton Mills,
 Grant Corundum Wheel Company,
 Greenfield Co-operative Manufacturing Company,
 Greenfield Sovereigns Co-operative Association, The,
 Greenfield Tool Company,
 Greenfield Tool Works, The,
 Greylock Manufacturing Company,
 Gunn Curtis Company, The,
 Hall Elevator Safety Attachment Company,
 Hall Treadle Company,
 Hamilton Vocalion Organ Manufacturing Company,
 Hampden Card Company,
 Hampden Envelope Company,
 Hampden Narrow Fabric Company,
 Hampden Whip Company,
 Hampshire Manufacturing Company of Huntington,
 Hampton Slate Company,
 Hancock Sewing Machine Company,
 Harbor Improvement Company,
 Haskins Engine Company,

Corporations
 dissolved.

Corporations
dissolved.

Haskins Steam Engine Company,
Hatfield Co-operative Creamery Company, The,
Hatheway Steamship Company,
Haverhill Pioneer Co-operative Association,
Haverhill Steamboat Express Company,
Hayden Company, The,
Hayden Tobacco Works,
Haywardville Rubber Company,
Hecla Card and Paper Company, The,
Hide and Leather Insurance Company,
Hide and Leather Machine Company,
Hingham Manufacturing Company, The,
Hinkley Locomotive Works,
Hiscox File Manufacturing Company,
Holliston Mills,
Holyoke Co-operative Association,
Hoosac Manufacturing Company,
Hopewell Mills,
Hopkins Watch Tool Company,
Hotel Pemberton Company,
Hotel Rebate Association,
Howard Fire Insurance Company,
Howard Mills,
Howard Safety Boiler Manufacturing Company, The,
Huguenot Woolen Company,
Huntton Manufacturing Company, The,
Huston Ships Berth Company,
Hyde Park Grain and Feed Company,
Illustrated News Company,
Illustrated Press Company, The,
Improved Rotary Heel Company, The,
India Manufacturing Company,
Irish American Leader Printing and Publishing Co-operative Association, The,
J. C. Clark Printing Company, The,
J. C. Hoadley Company,
J. R. Nichols Corporation,
Jackson Shell Roll Co.,
Jaros Manufacturing Company,
Jersey Milk and Cream Company, The,
Jessup and Laffin Paper Company,
John Russell Manufacturing Company,
John Stetson Company, The,
Jones Patent Last Company, The,
Journal Company, The,
Justifier Printing and Publishing Company, The,
K. of L. Co-operative Association of North Adams,
Keeler Manufacturing Company,
Kellogg Steam Power Company,

Corporations
dissolved.

Kenoza Street Railway Company,
Knapp Shade Roller Company,
Knights of Labor Co-operative Boot and Shoe Company,
The,
Knights of Labor Co-operative Publishing Company,
Knights of Labor Co-operative Store Association, The,
Labor Journal Co-operative Publishing Company, The,
Ladd Gimlet Screw Company,
Lafin Manufacturing Company, The,
Lainesoie Manufacturing Company,
Lamson Cash Railway Company, The,
Laskey Manufacturing Company, The,
Lawrence Fire Insurance Company of Boston,
Lawrence Manufacturing Power Company,
Lawrence White Iron Portable Grist Mill Company,
Lawrence Woolen Company,
Lawrence Worsted Mills,
Leader Publishing Company, The,
Lechmere Distributing Association,
Lechemere Rendering Company,
Lenox Glass Works,
Lenox Iron Works,
Lenox Plate Glass Company,
Leonard Co-operative Foundry Company,
Lexington Mineral Paint Company, The,
Leyden Cheese Manufacturing Association,
Lighthall Cable Tramway Company of Boston,
Linwood Woolen Company,
Litchfield Lumber Company,
Lithotype Printing and Publishing Company, The,
Lord and Gale Manufacturing Company, The,
Long Beach Railroad Company,
Longley Machine Company,
Loring Paper and Twine Company,
Lowell Card Company,
Lowell District Telephone Company, The,
Lowell Knitting Machinery Company,
Lowell Plaster Company,
Lowell Spool and Bobbin Company,
L'Union Co-operative Franco-Canadienne de Fall River,
Mass.,
Lynn Cycle Club Track Association,
Lynn Lampblack Company, The,
Lynn Sovereign Co-operative Company, The,
Malachite Mining Company,
Malleon-Bartlett Rod Company, The,
Mammoth Slate Company, The,
Manchester Granite Company,
Manufacturers Gas Company,

Corporations
dissolved.

Manufacturers Gas Light Company of New England,
Manufacturers' Insurance Company,
Marland Manufacturing Company,
Mary Process Company,
Massachusetts and New Hampshire River Rafting and
Steamboat Company,
Massachusetts Cigar Makers Co-operative Association,
Massachusetts Guaranty Company,
Massachusetts Pulsion Telephone Company,
Massasoit Packing Company,
May Novelty Turning Company,
Mayo Electric Manufacturing Company, The,
Mechanics Mutual Insurance Company,
Mercantile Advertising Bond Manufacturing Company,
Merchants Insurance Company in Boston, The,
Merchants Insurance Company of Boston,
Merchants Mutual Mustard Company,
Merino Shoe Company,
Merrimack Navigation and Express Company,
Metallic Splice Manufacturing Company,
Methuen Co-operative Association, The,
Middlesex Newspaper Company, The,
Midland Improvement and Construction Company, The,
Mill River Button Company,
Millers River Gas Light Company,
Milton Granite Company,
Milton Manufacturing Company,
Molecular Telephone Company of New England,
Montaup Mills,
Monument Sovereigns Distributing Association, The,
Morgan Silver Company,
Morning Star Company, The,
Mount Laffee Coal Company,
Mount Pleasant Coal Company,
Mount Tom Elastic Fabrics Company,
Mount Washington Glass Works,
Mumford Council Co-operative Association,
Munroe Paper Company,
Mutual District Messenger Company,
Mutual News Company, The,
Mystic Rubber Company,
Nantasket Beach Hotel Company,
Nantasket Electric Light & Power Company,
Nantasket Steamboat Company, The,
Nantucket Surfside Company,
Narragansett Oil and Guano Company,
Natick Co-operative Store,
National Alarm Company, The,
National Carbureter Corporation, The,

National Color Printing Company, The,
 National Cotton-Gin Company,
 National Druggists Glass Company,
 National Insurance Company,
 National K. of L. Co-operative Elastic Fabric Company,
 The,
 National Whalebone Company,
 Neponset Cotton Factory,
 New American Carpet Lining Company,
 New Bedford Herdic Company,
 New England Automatic Gas Lighting Company,
 New England Boot and Shoe Heel Company, The,
 New England Brick Company,
 New England Bunting Company,
 New England Chemical Fire-Engine Company,
 New England Construction Company,
 New England Fuel Economizer Company, The,
 New England Hod Elevating Company,
 New England Horse Shoe Company,
 New England Iron Company,
 New England Manufacturing Company,
 New England Marble Company, The,
 New England Metallic Brick-Press Company, The,
 New England Mining and Reduction Company,
 New England Paving Company,
 New England Pipe Works,
 New England Pump Manufacturing Company,
 New England Scale Board Box Company,
 New England Slate and Tile Company,
 New England Spring Bed Company,
 New England Steam Car Company,
 New England Table Food Corporation, The,
 New England Transfer Graining Company,
 New England Type Foundry Company,
 New England Vise Company,
 New Hampshire Granite Company,
 New Jersey Bottle Company, The,
 New York Watch Company,
 North American Fire Insurance Company,
 North Attleborough Union Building Association,
 North Brookfield Building Association,
 North Star Manufacturing Company, The,
 Northern Massachusetts Telephone Company,
 Northern New England Hay & Grain Carrier Company,
 Northern River Rafting & Steamboat Company,
 Norton Manufacturing Company, The,
 Novelty Manufacturing Company,
 Novelty Steam Heating Company,
 Ocean Mills Company,

Corporations
 dissolved.

Corporations
dissolved.

Odd Fellows Hall Association of Beverly,
 Old Colony Co-operative Association, The,
 Oleomargarine Company of Massachusetts,
 Olympian Club, The,
 Onward Cigarmakers Co-operative Association,
 Ordway Corset Bone Company, The,
 Palmer Wire Company,
 Palmer Wire Goods Company,
 Parks Carpet Company,
 Patent Heel Company,
 Patrons & Sovereigns Co-operative Company,
 Payson and Cutler Manufacturing Company, The,
 Peet Moulding Machine Company,
 Pentucket Mills,
 Peoples Fire Insurance Company,
 Peoples Union Insurance Company,
 Pequaig Hosiery Company,
 Perennial Garden Company of Boston, The,
 Pettingell Chimney Cap Company,
 Phenix Machine Company,
 Pigeon Cove Granite Company,
 Pittsfield Public Hall and Rink,
 Pittsfield Tack Company,
 Pittsfield Woolen Company,
 Planet Lumber and Shingle Company,
 Plummer Granite Company,
 Plunket Manufacturing Company,
 Pomeroy Iron Company, The,
 Portable Electric Light Company, The,
 Porter Manufacturing Company,
 Porter Needle Company,
 Portland Brick Company,
 Portland P. Q. Phosphate Company,
 Potter Ore Bed Company, The,
 Powow Co-operative Society of Amesbury and Salisbury,
 The,
 Prescott Fire and Marine Insurance Company,
 Prusha Rubber Clothing Company,
 Putnam Tool Company,
 Quincy Gas Light Company,
 Raddin Elastic Car Wheel Company, The,
 Rand Avery Company,
 Rayer & Lincoln Seaming Machine Company, The,
 Raynham Co-operative Boot and Shoe Company,
 Readers and Writers Economy Company,
 Reading Agricultural and Mechanics Association,
 Redding Electrical Company,
 Revere Brick Company,
 Revere Fire Insurance Company,

Riverside Flock Company, The,
 Riverside Lumber Company,
 Robinson Dyeing and Finishing Company,
 Rocket Journal Packing Company,
 Rockport Hide Manufacturing Company,
 Rockport Water Company,
 Rockville Mills,
 Rogers & Bacon Piano Company, The,
 Rogers Upright Piano Company,
 Rollstone Machine Works,
 Rotary Heel Manufacturing Company,
 Rotary Shuttle Sewing Machine Company,
 Rubber Step Manufacturing Company,
 Sagamore Co-operative Boot and Shoe Company,
 Sagamore Gas Light and Heating Company, The,
 Sagamore Mill,
 Salem and Magnolia Steamboat Company, The,
 Salem and New York Express Steamship Company,
 Salem Foundry and Machine Shop,
 Salem Marine Railway Corporation,
 Salem Shade Roller Manufacturing Company,
 Salmon Water and Steam Heater Company, The,
 Salter Silk Company,
 Samoset Cotton Mills,
 Saunders Silk Company,
 Sawyer Improved Observatory Company, The,
 Schenck Continuous Excavator Company, The,
 Science Company, The,
 Scituate Co-operative Shoe Company,
 Shapleigh Mills,
 Shaw Locomotive Company,
 Shaw's Union Air Engine Company,
 Shawmut Iron Works,
 Sheffield China Clay Company,
 Sheffield Manufacturing Company,
 Shoe and Leather Dealer's Fire and Marine Insurance
 Company,
 Silica Mining Company, The,
 Silver Dale Manufacturing Company,
 Silver Ledge Mining Company,
 Snow Paper Company,
 Sonora Milling & Mining Company, The,
 South Abington Workingmen's Co-operative Grocery &
 Provision Association,
 South Athol Manufacturing Company,
 South Boston Barge Company, The,
 South Boston Iron Company,
 South Shore Steamship Company, The,
 South Williamstown Cheese Factory Company,

Corporations
 dissolved.

Corporations
dissolved.

Southbridge Button Company,
Southfield Shoe Lace Company,
Southfield Whip Company,
Sovereigns Co-operative Company of Salem,
Sovereigns Co-operative Store, The,
Spencer Hotel Company,
Spring Water Company,
Springfield and Newburyport Co-operative Mining
Company,
Springfield Bicycle Manufacturing Company,
Springfield Blanket Company,
Springfield Bridge, The Proprietors of The,
Springfield Electric Light Company, The,
Springfield Glue and Emery Wheel Company,
Springfield Herald Co-operative Publishing Company,
Springfield Printing Company, ,
Springfield Sewing Machine Company,
Springfield Soapstone Company, The,
Spurr Manufacturing Company,
Standard File Company, The,
Standard Fuel Company,
Standard Lamp and Glass Pipe Company, The,
Standard Pipe Company,
Standard Pipe Covering Company, The,
Standard Pulp Company, The,
Standard Twine Cutter Company,
Star Company, The,
Star Mills,
Star Newspaper Company, The,
Star Publishing Company,
State Publishing Company, The,
Statesman Publishing Company,
Stearns Furniture Company,
Stearns Manufacturing Company, The,
Stedman and Fuller Manufacturing Company,
Steel Refining and Tempering Company, The,
Sterling Lithographic Company,
Stevens Furnace Company,
Stoneham Co-operative Shoe Company,
Strange's Cylinder Saw and Machine Company,
Sturbridge Aqueduct Company,
Suburban Telephone Company,
Suffolk Bottling Company,
Suffolk County Democrat Publishing Company, The,
Suffolk Fire Insurance Company,
Suffolk Glass Company,
Suffolk Milling Company,
Sun Electric and Illuminating Company,
Sunapee Saw-Mill Company,

Swain Turbine Company,
 Swain Turbine and Manufacturing Company,
 Swansea Bleach and Dye Works,
 Taunton Woolen Company,
 Taylor and Farley Organ Company,
 Tehuantepec Inter-Ocean Railroad Company,
 Telegram Publishing Company, The,
 Temporary Binder Company,
 Tenexine Company,
 Thayer & Judd Paraffine Corporation,
 Thomas Rice Paper Company,
 Thorp Manufacturing Company, The,
 Times Publishing Company,
 Topeka and James Creek Consolidated Gold and Silver
 Mining Company,
 Tournaphone Music Company, The,
 Traveller Newspaper Association,
 Tremont Boot and Shoe Company,
 Tremont Foundry Company, The,
 Tremont Insurance Company,
 Trinidad Asphalt Pavement Company of the City of
 Boston,
 Tripp Metallic Packing Company,
 Tropical Products Company, The,
 Trumbull Granite Company,
 Tucker Manufacturing Company,
 Tucum Manufacturing Company,
 Tufts Brick Manufacturing Company,
 Tufts Elevator Works,
 Tully Mill Company,
 Tunyoap Manufacturing Company,
 Union and Bay State Manufacturing Company, The,
 Union Bark Mill Company, The,
 Union Canadienne Co-operative,
 Union Chemical Company,
 Union Cigar Makers Co-operative Association,
 Union Comb Company,
 Union Co-operative Canadienne de Lowell,
 Union Counter Company,
 Union Furnace Company,
 Union Mill Company,
 Union Oil Cup Company,
 Union Paper Manufacturing Company,
 Union Print Works,
 Union Stone Company,
 Union Vise Company,
 United Neighbors' Co-operative Store, The,
 United States and Azorean Steam Packet Company, The,
 United States Electric Light Company,

Corporations
 dissolved.

Corporations
dissolved.

United States Instantaneous Photographic Company,
 United States Manufacturing Company,
 United States Street Lighting Company,
 Upham Machine Company,
 Vacuum Refrigerator Company, The,
 Vendome Cigar Manufacturing Company, The,
 Vendome Hotel Company,
 Vineyard Haven Gas and Electric Company,
 Vineyard Telegraph Company,
 Virginia Construction Company,
 Vitrified Emery Wheel Company,
 Vitrified Wheel and Emery Company, The,
 Vulcan Furnace Company,
 W. G. Medicott Company,
 W. T. M. Injector Company,
 W. X. Stevens Tool Company, The,
 Wachusett Mills,
 Wachusett Mountain Company,
 Wakefield Co-operative Shoe Company,
 Walpole Hair and Bedding Manufacturing Company,
 Walter Heywood Chair Company,
 Ward Fertilizer Company,
 Ward Mining Company,
 Ware River Woolen Company, The,
 Warner File Company,
 Washington Insurance Company,
 Washington Mills,
 Weldon Low Water Alarm Gauge Corporation, The,
 Wells River Manufacturing Company,
 Wentworth Manufacturing Company, The,
 West and Lee Game and Printing Company,
 West End Land and Improvement Company,
 West India Importing and Manufacturing Company, The,
 Westboro' Co-operative Creamery Company,
 Westboro' Co-operative Union,
 Westfield Cigar Makers Co-operative Association,
 Weymouth Iron Company,
 Whitehead & Atherton Machine Company,
 Wilder Stove Shelf and Machine Company,
 Williams Manufacturing Corporation,
 Williamstown Hotel Company,
 Williamstown, Mass., Watch Company,
 Willow Dale Company,
 Willow Dale Manufacturing Company,
 Winona Paper Company,
 Winslow's Rheumatic Plaster Company,
 Winthrop Manufacturing Company,
 Wire Fabric Rubber Company,
 Wollaston Wharf and Dock Company,

Wonderful Churn Manufacturing Company of Westfield, Corporations dissolved.
 Mass., The,
 Wood and Light Machine Company,
 Woodman Pebbling Machine Company,
 Worcester Casket Company,
 Worcester Herdic Phaeton Company,
 Worcester Malleable Iron Company, The,
 Worcester Organ Company, The,
 World Newspaper Company, The,
 Young Hardware Company,

are hereby dissolved, subject to the provisions of sections forty-one and forty-two of chapter one hundred and five of the Public Statutes.

SECTION 2. Nothing in this act shall be construed to affect any suits now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section. Pending suits not to be affected, etc.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defence of which he might have availed himself, in a suit upon the claim by such corporation, had it not been dissolved by this act. Suits upon choses in action, etc., may be brought in the name of the purchaser or assignee.

SECTION 4. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT TO INCORPORATE THE CAMBRIDGE FIREMEN'S RELIEF ASSOCIATION.

Chap. 76

Be it enacted, etc., as follows:

SECTION 1. Thomas J. Casey, James Cunningham, Charles Emerson, William J. Hanna, Daniel E. Shea, Francis P. Scanlan, John Gaughan, John H. Brown, William F. Newman, George W. Butler, William B. Cade, their associates and successors, all of whom shall be members of the fire department of the city of Cambridge, are hereby made a corporation by the name of the Cambridge Firemen's Relief Association, in the city of Cambridge, for the purpose of assisting the families of deceased mem- Cambridge Firemen's Relief Association incorporated.

Not subject to laws relating to life insurance companies.

Not to be summoned as trustee, etc.

Real and personal estate not to exceed \$100,000.

bers of said association, and the members thereof when sick or disabled or upon their resignation or discharge from the fire department of said Cambridge; with all the powers and privileges and subject to all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations: *provided*, that said corporation shall not be subject to the laws relating to life insurance companies; shall not be required to make a return to the insurance commissioner, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation under the by-laws thereof or under the provisions of this act.

SECTION 2. Said corporation, for the purposes aforesaid, shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 77 AN ACT TO AUTHORIZE THE WORCESTER POLYTECHNIC INSTITUTE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Worcester Polytechnic Institute is hereby authorized to receive by gift, devise, bequest or otherwise, and to hold and use for the purposes for which said institute was incorporated, real and personal estate to an amount not exceeding two million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 78 AN ACT TO AUTHORIZE THE NEWBURYPORT HOWARD BENEVOLENT SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold additional real and personal estate.

SECTION 1. The Newburyport Howard Benevolent Society is hereby authorized and empowered to take and hold real and personal estate to an amount not exceeding five hundred thousand dollars.

Gifts, grants, etc., ratified, confirmed, etc.

SECTION 2. All gifts, grants, devises, legacies and conveyances heretofore made to said corporation are hereby ratified, confirmed and made valid, notwithstanding the same, separately or in connection with other gifts or

property held by or belonging to said corporation, exceed in value the sum of ten thousand dollars; and the said corporation is hereby authorized and empowered to collect and hold any such gifts, grants, devises, legacies or conveyances. Gifts, grants, etc., may be collected and held.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT TO AUTHORIZE THE QUINCY ELECTRIC FREIGHT RAILWAY COMPANY TO CHANGE A PORTION OF THE LOCATION OF ITS RAILWAY. Chap. 79

Be it enacted, etc., as follows:

SECTION 1. The Quincy Electric Freight Railway Company is hereby authorized to change the location of its railway, as set forth in section two of chapter three hundred and fifty-nine of the acts of the year eighteen hundred and ninety-one, between the intersection of Wharf street with Washington street in Quincy, and the head of Bent's creek on Howard street, also between the intersection of Quarry street with Granite street and the yard of the Old Colony Railroad Company, near the Quincy Adams station; also between the intersection of School street with Pleasant street and Liberty street; so that in lieu of said locations between said points it may locate and construct its railway as follows: — Beginning on its location granted by said act, at the intersection of Wharf street with Washington street, thence southwesterly across said Washington street with a curve, crossing the tracks of the Quincy and Boston Street Railway Company, to land now or late of one Mead, thence in a southwesterly direction over land of said Mead and through the land of the heirs of Cyrus Patch, taking therefrom a triangular piece with a base of twenty-four feet upon land of Mead, being the northwesterly portion of the land of said Patch, the apex thereof to be at the southwesterly corner of said land of Patch, but not to include any land within ten feet of the northwesterly corner of the dwelling house as it now stands on said land of Patch, also through land of one Thomas, thence running in a southwesterly and northwesterly direction over land of Redding, Smith, Baxter, Hayden and Newcomb, or by whomsoever owned, to Howard street at the head of Bent's creek, so-called, May change a portion of the location of its railway. New location.

New location. thence across said Howard street to the location heretofore granted. Also beginning at the intersection of Quarry street with Granite street, thence across Granite street, thence in a southeasterly and southerly direction over land of one Peirce and one Fletcher, thence in a southwesterly direction over land of Wood, Young and Baxter, or by whomsoever owned, to Water street, thence across said Water street, crossing the tracks of the Quincy and Boston Street Railway Company, thence in a southeasterly direction over a private way called Brooks road, on land of the Adams real estate trust, to Liberty street, and there to intersect with the location heretofore granted.

May take land, etc. And said company is hereby authorized to take land, not exceeding fifty feet in width, on the above described routes, except that on the land of said Patch it shall not take land except to the width hereinbefore provided. The locations hereby granted are to be subject to the same provisions as are set forth in said chapter three hundred and fifty-nine of the acts of the year eighteen hundred and ninety-one, in relation to the locations therein granted.

Subject to the provisions of 1891, 336.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 80 AN ACT DEFINING THE LIABILITY OF THE TOWNS OF COTTAGE CITY AND TISBURY FOR THE MAINTENANCE OF LAGOON BRIDGE AND FOR DAMAGES RESULTING FROM DEFECTS THEREIN; ALSO DETERMINING THE DUTIES OF THE COUNTY COMMISSIONERS IN RESPECT TO THE DRAW OF SAID BRIDGE.

Be it enacted, etc., as follows:

Support, maintenance and repair of Lagoon bridge. SECTION 1. The towns of Cottage City and Tisbury shall support, maintain and repair the bridge over the canal or creek connecting Vineyard Haven harbor with Lagoon pond, so-called, and the expense of such support, maintenance and repair shall be borne equally by said towns.

Repairing and tending draw to be under direction of the county commissioners. SECTION 2. The repairing and tending of the draw in said bridge shall be under the direction of the county commissioners of the county of Dukes County, who shall pay the expense thereof from the county treasury of said county and assess the same in equal parts upon the towns of Cottage City and Tisbury.

Liability for damages. SECTION 3. Said towns shall be respectively liable under the limitations of the law for damages resulting from defects in said bridge, and all costs, damages and

expenses sustained by either town on account thereof shall be borne equally by said towns.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO MAKE AN Chap. 81
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

SECTION 1. The city council of the city of Worcester, for the purposes named in the third section of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and eighty-one, for the purpose of making an addition to the dam at the Holden reservoir, for the settlement of damages occasioned by the taking of the waters of Tatnuck brook, and for any other necessary expenditures in connection with the extension of the water works of the said city, is hereby authorized to borrow from time to time such sums of money, to an amount not exceeding three hundred thousand dollars in addition to the amounts heretofore authorized, as it shall deem necessary, subject to the provisions of chapter twenty-nine of the Public Statutes. May make an additional water loan.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT AUTHORIZING THE SHAWMUT CONGREGATIONAL SOCIETY Chap. 82
OF BOSTON TO SELL ITS PROPERTY.

Be it enacted, etc., as follows :

SECTION 1. The Shawmut Congregational Society of Boston is hereby authorized to sell its meetinghouse and the land upon which it is located, and use the proceeds thereof in the erection of another edifice in the city of Boston or in any other municipality adjacent thereto; or may unite with any other society of the same denomination, or otherwise dispose of the proceeds for the benefit of the congregational denomination, as said society shall elect. May sell land and meeting-house thereon, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 83 AN ACT IN RELATION TO THE EMPLOYMENT OF WOMEN AND MINORS
FOR THE PURPOSE OF MANUFACTURING.

Be it enacted, etc., as follows :

1890, 183, § 1
amended.

Section one of chapter one hundred and eighty-three of the acts of the year eighteen hundred and ninety is hereby amended by inserting, in the first line, after the word "no", the words:— person or,—and by striking out, in the first and second lines, the words "manufacturing establishment in this Commonwealth", and inserting in place thereof the words:— officer or agent thereof,—so as to read as follows:— *Section 1.* No person or corporation, or officer or agent thereof, shall employ any woman or minor in any capacity for the purpose of manufacturing, between the hours of ten o'clock at night and six o'clock in the morning, under the penalty of not less than twenty nor more than fifty dollars for each and every offence.

Women and
minors not to be
employed in
manufacturing
between
ten o'clock at
night and six
o'clock in the
morning.

Approved March 19, 1892.

Chap. 84 AN ACT TO INCREASE THE NUMBER OF TRUSTEES OF THE WORCES-
TER DISTRICT METHODIST EPISCOPAL CHURCH CAMP MEETING
ASSOCIATION.

Be it enacted, etc., as follows :

1856, 117, § 3
amended.

Section three of chapter one hundred and seventeen of the acts of the year eighteen hundred and fifty-six is hereby amended by striking out the words "than five, or more than nine", in the second line of said section, and inserting in place thereof the words:— than six, or more than eleven, one of whom shall be, ex officio, the presiding elder of the district,—so as to read as follows:— *Section 3.* The number of trustees of the aforesaid association shall at no time be less than six, or more than eleven, one of whom shall be, ex officio, the presiding elder of the district, a majority of whom shall constitute a quorum for doing business; and all vacancies that may occur by death, or otherwise, shall be filled by the preachers and tent-masters of said camp meeting at the annual meeting.

Number of
trustees;
quorum, vacan-
cies, etc.

Approved March 19, 1892.

Chap. 85 AN ACT TO AUTHORIZE THE FITCHBURG STREET RAILWAY COMPANY
TO EXTEND ITS TRACKS AND TO PURCHASE THE LEOMINSTER STREET
RAILWAY AND TO CHANGE THE NAME OF THE FORMER CORPORATION.

Be it enacted, etc., as follows :

May construct,
etc., its railway
over streets,
etc., in the town
of Leominster.

SECTION 1. The Fitchburg Street Railway Company is hereby authorized to construct, extend, maintain and operate its street railway over any streets and highways

in the town of Leominster upon which locations may hereafter from time to time be granted to said corporation by the selectmen of said town, in the same manner and with the same powers as it is now authorized by law to do in the city of Fitchburg, and to connect with the locations of said street railway in said city of Fitchburg.

SECTION 2: Said corporation is authorized to purchase and pay for the rights, franchise and property of the Leominster Street Railway Company, and said Leominster Street Railway Company is authorized to sell, convey and assign its franchise and property and all the rights, easements, privileges, locations and powers granted or in any way belonging to it, to the said Fitchburg Street Railway Company, which company shall, upon such conveyance being made, have and enjoy all the rights, powers, privileges, locations, easements, franchises and property which heretofore belonged to, or were in any way owned by, the said Leominster Street Railway Company, subject to the duties, liabilities and restrictions applicable to the same under the general laws relating to street railway companies; and each of said corporations is hereby authorized to lease to the other any part or all of the road and other property of the corporation so leasing: *provided, however,* that such purchase and sale or lease shall not be valid unless agreed to by the boards of directors of both said corporations and approved by a majority in interest of the stockholders of each corporation, at meetings called for that purpose.

May purchase franchise, etc., of the Leominster Street Railway Company, etc.

Provided.

SECTION 3. When a purchase and sale shall have been completed in the manner hereinbefore provided, and the property transferred, the name of said Fitchburg Street Railway Company shall be changed to the Fitchburg and Leominster Street Railway Company; and said corporation may, for the purpose of carrying out the authority hereby granted, and for the purpose of building or rebuilding its road over locations now or hereafter granted, and of equipping the same, by vote of a majority in interest of its stockholders, at meetings called for the purpose, increase its capital stock from time to time to an amount not exceeding two hundred and fifty thousand dollars, such additional stock to be disposed of in the manner provided in section sixteen of chapter one hundred and thirteen of the Public Statutes.

May change name and increase capital stock upon completion of purchase, etc.

SECTION 4. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 86 AN ACT TO AUTHORIZE THE ENLARGEMENT OF THE COURT HOUSE
IN DEDHAM.

Be it enacted, etc., as follows:

Court house at
Dedham may be
enlarged.

SECTION 1. The county commissioners of the county of Norfolk are authorized to enlarge the court house in Dedham, in said county, and for that purpose may borrow on the credit of said county, or raise by taxation, a sum not exceeding seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 87 AN ACT PROVIDING FOR A FIFTH ASSISTANT CLERK OF THE SUPERIOR
COURT, CIVIL SESSION, FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Fifth assistant
clerk of the
superior court
for the county
of Suffolk.

SECTION 1. The justices of the superior court, or a majority of them, may appoint a fifth assistant clerk of said court, for civil business, for the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall receive in full for all services performed by him an annual salary of twenty-two hundred dollars, to be paid by said county.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 88 AN ACT RELATING TO THE MARLBOROUGH HOSPITAL.

Be it enacted, etc., as follows:

1890, c. 2, § 2
amended.

Section two of chapter sixty of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word "hospital", in the sixth line thereof, the words: — and said corporation may also, subject to said limitation of amount, purchase and hold real estate in the city of Marlborough, — so as to read as follows: —

May hold real
and personal
estate not
exceeding
\$500,000.

Section 2. Said corporation may receive and hold real and personal estate which may from time to time be given, granted, bequeathed or devised to it and accepted by the corporation, to an amount not exceeding five hundred thousand dollars for the uses and purposes of said hospital; and said corporation may also, subject to said limitation of amount, purchase and hold real estate in the city of Marlborough: *provided, always*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest.

Proviso.

Approved March 19, 1892.

AN ACT AUTHORIZING THE CHESTNUT HILL REAL ESTATE ASSOCIATION OF MARLBOROUGH TO REDUCE ITS CAPITAL STOCK. *Chap. 89*

Be it enacted, etc., as follows:

SECTION 1. The Chestnut Hill Real Estate Association of Marlborough is hereby authorized to reduce its capital stock to twenty-five thousand dollars. May reduce its capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO DISCONTINUE TOWN DOCK IN SAID TOWN AS A PUBLIC LANDING PLACE. *Chap. 90*

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is authorized, at a town meeting called for the purpose, to discontinue Town dock in said town as a public landing place. May discontinue Town dock as a public landing place.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT TO AUTHORIZE THE WALTHAM HOSPITAL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 91*

Be it enacted, etc., as follows:

SECTION 1. The Waltham Hospital, incorporated by chapter eighty nine of the acts of the year eighteen hundred and eighty-five, is hereby authorized, for the purposes set forth in said act, to hold real and personal estate to an amount which together with the amounts heretofore authorized by law shall not exceed in the aggregate two hundred thousand dollars. May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1892.

AN ACT TO INCORPORATE THE TREMONT ADVENT-CHRISTIAN CAMP MEETING ASSOCIATION. *Chap. 92*

Be it enacted, etc., as follows:

SECTION 1. William A. Balch, William A. Thatcher, Frederick S. Stanton, Orrin L. Waters, James G. Harding, James E. Perry, Bruce F. Shaw, Richard A. West and Nathaniel M. Ransom, their associates and successors, are hereby incorporated under the name of The Tremont Advent-Christian Camp Meeting Association, to be established and located in that part of the town of Wareham The Tremont Advent-Christian Camp Meeting Association incorporated.

known as Tremont; for the purpose of holding and maintaining religious services, such as camp meetings and other religious meetings, subject to all the restrictions, duties and liabilities, and with all the powers and privileges set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Real and personal estate.

SECTION 2. Said corporation, for the purposes named in the first section of this act, may hold real and personal estate to an amount not exceeding ten thousand dollars; and ten acres of land so owned, including the buildings thereon belonging to the association and used exclusively for religious purposes or for the care and protection of the property of the association, shall be exempt from taxation.

Buildings, etc., to be considered real estate and taxable in Wareham.

SECTION 3. All buildings, booths, tents or other things erected on or affixed to the grounds of the association, except as provided in the second section, shall be considered real estate and taxable in the town of Wareham.

List of names, etc., of owners of taxable property to be furnished to assessors.

SECTION 4. It shall be the duty of the president, secretary or treasurer of the association, annually on or before the first day of May, to furnish the assessors of the town of Wareham a true list of the names and residences of all owners of buildings or other taxable property erected upon the grounds of the association; and in default of such information the assessors of said town may tax such property to the association.

SECTION 5. This act shall take effect upon its passage.

Approved March 19, 1892.

Chap. 93 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE POLICE COURT OF MARLBOROUGH.

Be it enacted, etc., as follows:

Salaries established.

SECTION 1. The salary of the justice of the police court of Marlborough shall be fifteen hundred dollars a year, and that of the clerk of said court eight hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the fourteenth day of March, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO MAKE AN ADDITIONAL WATER LOAN. *Chap. 94*

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton, for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five, and subject to its terms and provisions except as herein provided, may issue notes, scrip or certificates of debt to be denominated on the face thereof, Taunton Water Loan, to an amount not exceeding five hundred thousand dollars in addition to the amount which said city has heretofore been authorized to issue, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually; the principal shall be payable at a period not more than thirty years from the first day of July in the year eighteen hundred and ninety-two, and any premium derived from the sale of said notes, scrip or certificates of debt, shall be held by the city treasurer and shall be applied to the payment of the interest on the debt herein authorized, so far as said premium shall suffice therefor. Said city shall pay the interest on said debt as it becomes due, and shall establish and maintain a sinking fund and contribute thereto annually after the first day of January in the year eighteen hundred and ninety-seven, a sum sufficient with its accumulation to pay the principal of said loan at maturity; and said sinking fund shall remain sacred and inviolate and pledged to the payment of said principal and shall be used for no other purpose; but said city shall not be required to contribute to said sinking fund until said year eighteen hundred and ninety-seven.

May make an additional water loan. etc.

Sinking fund to be established, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1892.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE COURTS FOR THE COUNTY OF BARNSTABLE. *Chap. 95*

Be it enacted, etc., as follows:

SECTION 1. The salary of the clerk of the courts for the county of Barnstable shall be twelve hundred and fifty dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1892.

Chap. 96 AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Basis of apportionment of state and county taxes.

SECTION 1. The number of polls, the amount of property, and the proportion of every one thousand dollars, of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the Commonwealth, as contained in the schedule hereunto annexed, are hereby established, and shall constitute a basis of apportionment for state and county taxes, until another is made and enacted by the legislature, to wit: —

Polls, Property and Apportionment of State and County Tax of \$1,000.

Barnstable County.

BARNSTABLE COUNTY.

| TOWNS. | Polls. | Property. | Tax of \$1,000, including Polls at one tenth of a mill each. |
|-------------------------|--------|-----------------|--|
| Barnstable, | 1,099 | \$4,079,413 00 | \$1 68 |
| Bourne, | 439 | 1,409,157 00 | 59 |
| Brewster, | 268 | 604,185 00 | 26 |
| Chatham, | 564 | 980,088 00 | 43 |
| Dennis, | 790 | 1,606,610 00 | 70 |
| Eastham, | 166 | 282,232 00 | 13 |
| Falmouth, | 758 | 5,948,265 00 | 2 37 |
| Harwich, | 773 | 1,189,116 00 | 54 |
| Mashpee, | 84 | 171,646 00 | 07 |
| Orleans, | 348 | 649,662 00 | 29 |
| Provincetown, | 1,381 | 2,375,270 00 | 1 05 |
| Sandwich, | 422 | 1,035,160 00 | 44 |
| Truro, | 259 | 350,574 00 | 16 |
| Wellfleet, | 328 | 757,112 00 | 33 |
| Yarmouth, | 517 | 1,986,688 00 | 82 |
| Total, | 8,186 | \$23,425,178 00 | \$9 86 |

Berkshire County.

BERKSHIRE COUNTY.

| | | | |
|-------------------|-------|----------------|--------|
| Adams, | 1,832 | \$3,805,500 00 | \$1 65 |
| Alford, | 100 | 252,726 00 | 11 |
| Becket, | 274 | 439,407 00 | 20 |

BERKSHIRE COUNTY — CONCLUDED.

Berkshire
County.

| TOWNS. | Polls. | Property. | Tax of \$1,000, includ'g Polls at one tenth of a mill each. |
|-----------------------------|--------|-----------------|--|
| Cheshire, | 348 | \$774,169 00 | \$0 33 |
| Clarksburg, | 212 | 221,558 00 | 11 |
| Dalton, | 707 | 2,671,877 00 | 1 10 |
| Egremont, | 236 | 451,030 00 | 20 |
| Florida, | 128 | 169,811 00 | 08 |
| Great Barrington, | 1,221 | 3,538,680 00 | 1 49 |
| Hancock, | 134 | 421,300 00 | 18 |
| Hinsdale, | 443 | 753,960 00 | 34 |
| Lanesborough, | 270 | 535,957 00 | 23 |
| Lee, | 1,019 | 1,970,239 00 | 86 |
| Lenox, | 658 | 2,941,587 00 | 1 20 |
| Monterey, | 139 | 237,678 00 | 11 |
| Mount Washington, | 34 | 79,738 00 | 03 |
| New Ashford, | 37 | 73,723 00 | 03 |
| New Marlborough, | 342 | 607,363 00 | 27 |
| North Adams, | 4,224 | 6,208,142 00 | 2 82 |
| Otis, | 173 | 222,191 00 | 10 |
| Peru, | 83 | 120,117 00 | 05 |
| Pittsfield, | 4,926 | 12,181,687 00 | 5 19 |
| Richmond, | 192 | 489,870 00 | 21 |
| Sandisfield, | 213 | 365,904 00 | 16 |
| Savoy, | 174 | 177,909 00 | 09 |
| Sheffield, | 482 | 918,159 00 | 40 |
| Stockbridge, | 505 | 3,412,285 00 | 1 37 |
| Tyringham, | 109 | 236,305 00 | 10 |
| Washington, | 115 | 202,783 00 | 09 |
| West Stockbridge, | 404 | 710,745 00 | 31 |
| Williamstown, | 942 | 2,290,879 00 | 98 |
| Windsor, | 162 | 202,952 00 | 09 |
| Total, | 20,838 | \$47,685,731 00 | \$20 48 |

BRISTOL COUNTY.

Bristol County.

| | | | |
|-------------------------|--------|---------------|--------|
| Acushnet, | 250 | \$677,879 00 | \$0 29 |
| Attleborough, | 2,155 | 4,376,533 00 | 1 90 |
| Berkley, | 248 | 492,394 00 | 21 |
| Dartmouth, | 773 | 2,224,902 00 | 94 |
| Dighton, | 443 | 822,815 00 | 36 |
| Easton, | 1,282 | 5,440,944 00 | 2 23 |
| Fairhaven, | 558 | 1,909,847 00 | 79 |
| Fall River, | 19,342 | 55,260,403 00 | 23 24 |
| Freetown, | 365 | 967,035 00 | 41 |

Bristol County.

BRISTOL COUNTY — CONCLUDED.

| TOWNS. | Polls. | Property. | Tax of \$1,000, includ'g Poll's at one tenth of a mill each. |
|-----------------------------|--------|------------------|---|
| Mansfield, | 980 | \$1,678,806 00 | \$0 74 |
| New Bedford, | 11,160 | 43,595,890 00 | 17 98 |
| North Attleborough, | 1,645 | 3,991,190 00 | 1 70 |
| Norton, | 380 | 847,976 00 | 37 |
| Raynham, | 370 | 976,705 00 | 41 |
| Rehoboth, | 457 | 743,095 00 | 38 |
| Seekonk, | 312 | 866,470 00 | 37 |
| Somerset, | 559 | 1,084,560 00 | 47 |
| Swansey, | 429 | 1,384,436 00 | 58 |
| Taunton, | 6,866 | 19,577,110 00 | 8 24 |
| Westport, | 642 | 1,485,037 00 | 64 |
| Total, | 49,166 | \$148,403,527 00 | \$62 15 |

Dukes County.

DUKES COUNTY.

| | | | |
|-----------------------|-------|----------------|--------|
| Chilmark, | 121 | \$232,878 00 | \$0 10 |
| Cottage City, | 269 | 1,530,147 00 | 62 |
| Edgartown, | 355 | 809,914 00 | 35 |
| Gay Head, | 26 | 18,296 00 | 01 |
| Gosnold, | 41 | 210,493 00 | 09 |
| Tisbury, | 439 | 1,125,983 00 | 48 |
| Total, | 1,251 | \$3,927,711 00 | \$1 65 |

Essex County.

ESSEX COUNTY.

| | | | |
|---------------------|--------|----------------|--------|
| Amesbury, | 2,625 | \$4,740,934 00 | \$2 09 |
| Andover, | 1,234 | 5,157,472 00 | 2 11 |
| Beverly, | 2,945 | 14,515,637 00 | 5 89 |
| Boxford, | 214 | 737,643 00 | 31 |
| Bradford, | 1,059 | 2,233,146 00 | 97 |
| Danvers, | 1,960 | 4,246,814 00 | 1 83 |
| Essex, | 483 | 991,848 00 | 43 |
| Georgetown, | 593 | 1,074,967 00 | 47 |
| Gloucester, | 6,920 | 14,727,477 00 | 6 37 |
| Groveland, | 608 | 928,438 00 | 42 |
| Hamilton, | 247 | 1,058,075 00 | 43 |
| Haverhill, | 8,002 | 21,055,940 00 | 8 92 |
| Ipswich, | 931 | 2,799,133 00 | 1 17 |
| Lawrence, | 12,018 | 32,080,719 00 | 13 57 |
| Lynn, | 17,613 | 46,071,649 00 | 19 53 |
| Lynnfield, | 221 | 603,375 00 | 26 |

ESSEX COUNTY — CONCLUDED.

Essex County.

| TOWNS. | Polls. | Property. | Tax of \$1,000, includ'g Polls at one tenth of a mill each. |
|------------------------|--------|------------------|--|
| Manchester, | 470 | \$8,505,576 00 | \$3 38 |
| Marblehead, | 2,336 | 5,315,905 00 | 2 28 |
| Merrimac, | 801 | 1,511,451 00 | 66 |
| Methuen, | 1,299 | 3,420,005 00 | 1 45 |
| Middleton, | 265 | 574,375 00 | 25 |
| Nahant, | 194 | 6,330,626 00 | 2 46 |
| Newbury, | 402 | 1,139,233 00 | 48 |
| Newburyport, | 3,903 | 11,112,829 00 | 4 68 |
| North Andover, | 1,001 | 3,557,595 00 | 1 47 |
| Peabody, | 2,862 | 8,088,997 00 | 3 41 |
| Rockport, | 896 | 2,228,178 00 | 95 |
| Rowley, | 381 | 635,869 00 | 28 |
| Salem, | 9,014 | 28,949,267 00 | 12 06 |
| Salisbury, | 368 | 621,321 00 | 28 |
| Saugus, | 1,085 | 2,656,379 00 | 1 13 |
| Swampscott, | 722 | 6,090,837 00 | 2 42 |
| Topsfield, | 273 | 1,087,964 00 | 45 |
| Wenham, | 263 | 609,289 00 | 26 |
| West Newbury, | 533 | 1,022,766 00 | 45 |
| Total, | 84,741 | \$246,481,129 00 | \$103 52 |

FRANKLIN COUNTY.

Franklin
County.

| | | | |
|----------------------|-------|--------------|--------|
| Ashfield, | 287 | \$504,983 00 | \$0 22 |
| Bernardston, | 227 | 467,717 00 | 20 |
| Buckland, | 416 | 552,558 00 | 26 |
| Charlemont, | 291 | 360,245 00 | 17 |
| Colrain, | 394 | 576,788 00 | 26 |
| Conway, | 370 | 769,956 00 | 33 |
| Deerfield, | 821 | 1,487,115 00 | 66 |
| Erving, | 298 | 372,516 00 | 17 |
| Gill, | 239 | 496,760 00 | 22 |
| Greenfield, | 1,600 | 5,432,008 00 | 2 25 |
| Hawley, | 167 | 150,985 00 | 08 |
| Heath, | 138 | 167,167 00 | 08 |
| Leverett, | 217 | 288,276 00 | 13 |
| Leyden, | 99 | 179,114 00 | 08 |
| Monroe, | 104 | 134,363 00 | 06 |
| Montague, | 1,634 | 3,492,076 00 | 1 51 |
| New Salem, | 211 | 296,502 00 | 14 |
| Northfield, | 441 | 908,785 00 | 39 |
| Orange, | 1,546 | 2,813,752 00 | 1 24 |
| Rowe, | 165 | 228,223 00 | 10 |
| Shelburne, | 396 | 945,332 00 | 40 |

Franklin
County.

FRANKLIN COUNTY — CONCLUDED.

| TOWNS. | Polls. | Property. | Tax of \$1,000, includ'g Polls at one tenth of a mill each. |
|---------------------|--------|-----------------|--|
| Shutesbury, | 120 | \$155,633 00 | \$0 07 |
| Sunderland, | 199 | 432,146 00 | 19 |
| Warwick, | 165 | 303,442 00 | 13 |
| Wendell, | 148 | 222,029 00 | 10 |
| Whately, | 250 | 480,872 00 | 21 |
| Total, | 10,943 | \$22,219,343 00 | \$9 65 |

Hampden
County.

HAMPDEN COUNTY.

| | | | |
|---------------------------|--------|------------------|---------|
| Agawam, | 589 | \$1,309,646 00 | \$0 56 |
| Blandford, | 229 | 406,912 00 | 18 |
| Brimfield, | 270 | 443,306 00 | 20 |
| Chester, | 372 | 584,348 00 | 26 |
| Chicopee, | 3,106 | 7,083,348 00 | 3 04 |
| Granville, | 280 | 367,234 00 | 17 |
| Hampden, | 211 | 404,737 00 | 18 |
| Holland, | 51 | 94,602 00 | 04 |
| Holyoke, | 8,241 | 21,209,988 00 | 10 16 |
| Longmeadow, | 774 | 1,312,026 00 | 58 |
| Ludlow, | 457 | 891,175 00 | 39 |
| Monson, | 917 | 2,109,711 00 | 91 |
| Montgomery, | 81 | 144,957 00 | 06 |
| Palmer, | 1,517 | 2,658,448 00 | 1 18 |
| Russell, | 211 | 513,323 00 | 22 |
| Southwick, | 259 | 548,654 00 | 24 |
| Springfield, | 12,867 | 53,984,475 00 | 22 10 |
| Tolland, | 100 | 162,663 00 | 07 |
| Wales, | 225 | 289,913 00 | 13 |
| Westfield, | 2,742 | 7,716,301 00 | 3 25 |
| West Springfield, | 1,368 | 3,701,734 00 | 1 56 |
| Wilbraham, | 382 | 838,279 00 | 36 |
| Total, | 35,249 | \$109,775,780 00 | \$45 84 |

Hampshire
County.

HAMPSHIRE COUNTY.

| | | | |
|-----------------------|-------|----------------|--------|
| Amherst, | 1,012 | \$3,522,851 00 | \$1 46 |
| Belchertown, | 550 | 861,295 00 | 39 |
| Chesterfield, | 179 | 309,238 00 | 14 |
| Cummington, | 200 | 322,782 00 | 14 |
| Easthampton, | 1,035 | 2,507,523 00 | 1 07 |
| Enfield, | 293 | 859,949 00 | 36 |

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

| TOWNS. | Polls. | Property. | Tax of \$1,000, includ'g Polls at one tenth of a mill each. |
|-------------------------|--------|-----------------|--|
| Goshen, | 79 | \$139,810 00 | \$0 06 |
| Granby, | 207 | 471,611 00 | 20 |
| Greenwich, | 143 | 287,211 00 | 13 |
| Hadley, | 430 | 1,055,498 00 | 45 |
| Hatfield, | 391 | 1,100,803 00 | 46 |
| Huntington, | 340 | 520,468 00 | 24 |
| Middlefield, | 104 | 251,520 00 | 11 |
| Northampton, | 3,726 | 10,086,563 00 | 4 26 |
| Pelham, | 130 | 169,453 00 | 08 |
| Plainfield, | 142 | 174,240 00 | 08 |
| Prescott, | 133 | 171,254 00 | 08 |
| Southampton, | 263 | 507,677 00 | 22 |
| South Hadley, | 1,056 | 2,162,373 00 | 94 |
| Ware, | 1,630 | 4,322,338 00 | 1 83 |
| Westhampton, | 113 | 260,115 00 | 11 |
| Williamsburg, | 532 | 1,005,769 00 | 44 |
| Worthington, | 200 | 303,866 00 | 14 |
| Total, | 12,888 | \$31,373,719 00 | \$13 39 |

MIDDLESEX COUNTY.

Middlesex
County.

| | | | |
|-----------------------|--------|----------------|--------|
| Acton, | 606 | \$1,532,586 00 | \$0 65 |
| Arlington, | 1,723 | 6,318,432 00 | 2 61 |
| Ashby, | 264 | 539,254 00 | 23 |
| Ashland, | 698 | 1,283,808 00 | 57 |
| Ayer, | 688 | 1,375,519 00 | 60 |
| Bedford, | 305 | 1,068,910 00 | 44 |
| Belmont, | 588 | 4,037,459 00 | 1 62 |
| Billerica, | 608 | 2,125,627 00 | 88 |
| Boxborough, | 103 | 252,357 00 | 11 |
| Burlington, | 173 | 512,662 00 | 22 |
| Cambridge, | 20,582 | 75,421,868 00 | 31 14 |
| Carlisle, | 143 | 387,740 00 | 16 |
| Chelmsford, | 797 | 1,976,107 00 | 84 |
| Concord, | 1,036 | 4,391,983 00 | 1 80 |
| Dracut, | 605 | 1,615,223 00 | 68 |
| Dunstable, | 124 | 330,379 00 | 14 |
| Everett, | 3,523 | 8,944,054 00 | 3 80 |
| Framingham, | 2,607 | 8,668,698 00 | 3 60 |
| Groton, | 556 | 3,340,309 00 | 1 34 |
| Holliston, | 832 | 1,631,930 00 | 71 |
| Hopkinton, | 1,150 | 2,424,851 00 | 1 05 |
| Hudson, | 1,492 | 2,670,344 00 | 1 18 |
| Lexington, | 937 | 3,875,446 00 | 1 59 |

Middlesex
County.

MIDDLESEX COUNTY — CONCLUDED.

| TOWNS. | Polls. | Property. | Tax of \$1,000, includ'g Polls at one tenth of a mill each. |
|--------------------------|---------|------------------|--|
| Lincoln, | 278 | \$2,845,602 00 | \$1 12 |
| Littleton, | 312 | 862,235 00 | 36 |
| Lowell, | 20,751 | 67,984,799 00 | 28 29 |
| Malden, | 6,692 | 21,032,277 00 | 8 78 |
| Marlborough, | 4,038 | 7,647,048 00 | 3 35 |
| Maynard, | 796 | 2,045,087 00 | 87 |
| Medford, | 3,106 | 12,362,219 00 | 5 08 |
| Melrose, | 2,412 | 7,916,061 00 | 3 29 |
| Natick, | 2,635 | 5,821,146 00 | 2 51 |
| Newton, | 6,879 | 43,134,045 00 | 17 32 |
| North Reading, | 243 | 542,809 00 | 23 |
| Pepperell, | 992 | 2,062,767 00 | 89 |
| Reading, | 1,028 | 3,136,762 00 | 1 31 |
| Sherborn, | 312 | 890,377 00 | 37 |
| Shirley, | 357 | 721,115 00 | 31 |
| Somerville, | 11,657 | 37,666,705 00 | 15 69 |
| Stoneham, | 1,822 | 3,697,703 00 | 1 61 |
| Stow, | 274 | 895,576 00 | 37 |
| Sudbury, | 363 | 1,228,545 00 | 51 |
| Tewksbury, | 456 | 1,460,951 00 | 61 |
| Townsend, | 515 | 1,226,635 00 | 52 |
| Tyngsborough, | 181 | 410,269 00 | 18 |
| Wakefield, | 2,106 | 4,990,845 00 | 2 14 |
| Waltham, | 5,833 | 17,259,239 00 | 7 24 |
| Watertown, | 1,964 | 8,062,066 00 | 3 31 |
| Wayland, | 592 | 1,743,680 00 | 73 |
| Westford, | 568 | 1,354,531 00 | 58 |
| Weston, | 515 | 3,162,661 00 | 1 27 |
| Wilmington, | 327 | 732,485 00 | 32 |
| Winchester, | 1,287 | 5,553,159 00 | 2 27 |
| Woburn, | 3,734 | 9,555,430 00 | 4 06 |
| Total, | 123,160 | \$412,730,375 00 | \$171 45 |

Nantucket
County.

NANTUCKET COUNTY.

| | | | |
|----------------------|-----|----------------|--------|
| Nantucket, | 901 | \$3,243,706 00 | \$1 34 |
|----------------------|-----|----------------|--------|

Norfolk County.

NORFOLK COUNTY.

| | | | |
|-----------------------|-------|---------------|--------|
| Avon, | 451 | \$661,595 00 | \$0 30 |
| Bellingham, | 358 | 681,216 00 | 30 |
| Braintree, | 1,271 | 4,532,885 00 | 1 88 |
| Brookline, | 3,530 | 59,392,861 00 | 23 25 |

NORFOLK COUNTY — CONCLUDED.

Norfolk County.

| TOWNS. | Polls. | Property. | Tax of \$1,000, Includ'g Polls at one tenth of a mill each. |
|-----------------------|--------|------------------|--|
| Canton, | 1,267 | \$4,505,317 00 | \$1 86 |
| Cohasset, | 626 | 5,526,449 00 | 2 19 |
| Dedham, | 1,991 | 6,612,361 00 | 2 75 |
| Dover, | 181 | 855,330 00 | 35 |
| Foxborough, | 786 | 1,589,703 00 | 69 |
| Franklin, | 1,387 | 2,808,562 00 | 1 22 |
| Holbrook, | 727 | 1,553,889 00 | 67 |
| Hyde Park, | 2,500 | 8,005,710 00 | 3 34 |
| Medfield, | 449 | 1,301,350 00 | 55 |
| Medway, | 788 | 1,218,066 00 | 55 |
| Millis, | 245 | 594,741 00 | 25 |
| Milton, | 1,023 | 16,737,122 00 | 6 56 |
| Needham, | 898 | 2,588,380 00 | 1 09 |
| Norfolk, | 232 | 622,663 00 | 23 |
| Norwood, | 1,133 | 2,768,746 00 | 1 18 |
| Quincy, | 5,160 | 14,821,079 00 | 6 23 |
| Randolph, | 1,130 | 2,541,765 00 | 1 09 |
| Sharon, | 389 | 1,333,789 00 | 55 |
| Stoughton, | 1,495 | 2,581,391 00 | 1 15 |
| Walpole, | 731 | 2,031,415 00 | 86 |
| Wellesley, | 770 | 6,721,103 00 | 2 67 |
| Weymouth, | 3,050 | 7,070,324 00 | 3 03 |
| Wrentham, | 695 | 1,497,934 00 | 65 |
| Total, | 33,263 | \$161,055,746 00 | \$65 44 |

PLYMOUTH COUNTY.

Plymouth
County.

| | | | |
|-----------------------------|-------|----------------|--------|
| Abington, | 1,327 | \$2,318,108 00 | \$1 03 |
| Bridgewater, | 1,069 | 2,756,519 00 | 1 17 |
| Brockton, | 8,693 | 18,713,498 00 | 8 09 |
| Carver, | 223 | 773,819 00 | 32 |
| Duxbury, | 518 | 1,474,157 00 | 62 |
| East Bridgewater, | 834 | 1,662,239 00 | 72 |
| Halifax, | 156 | 283,010 00 | 13 |
| Hanover, | 582 | 1,390,845 00 | 59 |
| Hanson, | 406 | 653,863 00 | 29 |
| Hingham, | 1,175 | 4,633,170 00 | 1 90 |
| Hull, | 228 | 2,514,104 00 | 99 |
| Kingston, | 481 | 1,884,367 00 | 78 |
| Lakeville, | 256 | 547,044 00 | 24 |
| Marion, | 222 | 1,146,388 00 | 46 |
| Marshfield, | 482 | 1,329,648 00 | 56 |
| Mattapoisett, | 280 | 1,712,394 00 | 69 |
| Middleborough, | 1,791 | 4,050,180 00 | 1 74 |
| Norwell, | 464 | 1,149,499 00 | 49 |

Plymouth
County.

PLYMOUTH COUNTY — CONCLUDED.

| TOWNS. | Polls. | Property. | Tax of \$1,000, Includ'g Polls at one tenth of a mill each. |
|---------------------------|--------|-----------------|--|
| Pembroke, | 379 | \$683,987 00 | \$0 30 |
| Plymouth, | 2,122 | 6,507,874 00 | 2 72 |
| Plympton, | 170 | 314,554 00 | 14 |
| Rochester, | 206 | 526,231 00 | 22 |
| Rockland, | 1,623 | 2,776,072 00 | 1 23 |
| Scituate, | 659 | 2,061,538 00 | 86 |
| Wareham, | 660 | 2,046,845 00 | 86 |
| West Bridgewater, | 498 | 1,141,544 00 | 49 |
| Whitman, | 1,561 | 3,333,942 00 | 1 44 |
| Total, | 27,065 | \$68,385,439 00 | \$29 07 |

Suffolk County.

SUFFOLK COUNTY.

| | | | |
|-------------------|---------|------------------|----------|
| Boston, | 132,809 | \$914,153,109 00 | \$365 75 |
| Chelsea, | 8,070 | 22,191,874 00 | 9 36 |
| Revere, | 1,683 | 5,558,026 00 | 2 31 |
| Winthrop, | 770 | 3,777,712 00 | 1 53 |
| Total, | 143,332 | \$945,680,221 00 | \$378 95 |

Worcester
County.

WORCESTER COUNTY.

| | | | |
|---------------------|-------|----------------|--------|
| Ashburnham, | 582 | \$1,034,488 00 | \$0 46 |
| Athol, | 1,807 | 3,219,798 00 | 1 42 |
| Auburn, | 347 | 522,049 00 | 24 |
| Barre, | 608 | 1,594,826 00 | 68 |
| Berlin, | 222 | 519,711 00 | 22 |
| Blackstone, | 1,777 | 2,585,542 00 | 1 18 |
| Bolton, | 251 | 511,068 00 | 22 |
| Boylston, | 229 | 520,179 00 | 22 |
| Brookfield, | 935 | 1,400,783 00 | 63 |
| Charlton, | 543 | 976,449 00 | 43 |
| Clinton, | 2,747 | 6,375,114 00 | 2 73 |
| Dana, | 189 | 297,060 00 | 13 |
| Douglas, | 530 | 1,030,178 00 | 45 |
| Dudley, | 645 | 1,033,580 00 | 47 |
| Fitchburg, | 6,885 | 18,345,619 00 | 7 76 |
| Gardner, | 2,645 | 4,560,050 00 | 2 02 |
| Grafton, | 1,217 | 2,458,765 00 | 1 07 |
| Hardwick, | 749 | 1,505,679 00 | 66 |
| Harvard, | 307 | 1,247,299 00 | 51 |
| Holden, | 596 | 1,092,387 00 | 48 |

WORCESTER COUNTY — CONCLUDED.

Worcester
County.

| TOWNS. | Polls. | Property. | Tax of \$1,000, Includ'g Polls at one tenth of a mill each. |
|-----------------------------|--------|------------------|--|
| Hopedale, | 398 | \$2,371,021 00 | \$0 95 |
| Hubbardston, | 404 | 725,628 00 | 32 |
| Lancaster, | 484 | 3,679,779 00 | 1 47 |
| Leicester, | 827 | 2,441,366 00 | 1 02 |
| Leominster, | 2,335 | 5,084,220 00 | 2 19 |
| Lunenburg, | 337 | 754,604 00 | 32 |
| Mendon, | 252 | 609,206 00 | 26 |
| Milford, | 2,824 | 5,222,117 00 | 2 30 |
| Millbury, | 1,160 | 2,130,279 00 | 94 |
| New Braintree, | 156 | 444,342 00 | 19 |
| Northborough, | 545 | 1,380,036 00 | 59 |
| Northbridge, | 1,202 | 3,574,773 00 | 1 50 |
| North Brookfield, | 1,150 | 1,961,971 00 | 87 |
| Oakham, | 210 | 346,377 00 | 15 |
| Oxford, | 782 | 1,383,889 00 | 61 |
| Paxton, | 131 | 287,025 00 | 12 |
| Petersham, | 259 | 610,330 00 | 26 |
| Phillipston, | 142 | 284,363 00 | 12 |
| Princeton, | 304 | 890,874 00 | 37 |
| Royalston, | 346 | 723,757 00 | 31 |
| Rutland, | 299 | 524,996 00 | 23 |
| Shrewsbury, | 407 | 1,092,379 00 | 46 |
| Southborough, | 586 | 1,786,423 00 | 75 |
| Southbridge, | 1,692 | 3,830,397 00 | 1 65 |
| Spencer, | 2,241 | 4,839,817 00 | 2 09 |
| Sterling, | 370 | 887,220 00 | 38 |
| Sturbridge, | 502 | 990,858 00 | 43 |
| Sutton, | 707 | 1,292,998 00 | 57 |
| Templeton, | 835 | 1,366,474 00 | 61 |
| Upton, | 517 | 960,796 00 | 42 |
| Uxbridge, | 962 | 2,265,133 00 | 97 |
| Warren, | 1,335 | 2,645,958 00 | 1 15 |
| Webster, | 1,752 | 3,482,241 00 | 1 52 |
| Westborough, | 1,423 | 2,929,109 00 | 1 27 |
| West Boylston, | 744 | 1,316,327 00 | 58 |
| West Brookfield, | 450 | 869,945 00 | 38 |
| Westminster, | 463 | 814,430 00 | 36 |
| Winchendon, | 1,317 | 2,170,577 00 | 97 |
| Worcester, | 25,608 | 85,637,712 00 | 35 58 |
| Total, | 80,264 | \$205,445,361 00 | \$87 21 |

Recapitulation
by counties.

RECAPITULATION.

| COUNTIES. | Polls. | Property. | Tax of \$1,000, includ'g Polls at one tenth of a mill each. |
|-----------------------|---------|--------------------|--|
| Barnstable, | 8,186 | \$23,425,178 00 | \$9 86 |
| Berkshire, | 20,898 | 47,685,731 00 | 20 48 |
| Bristol, | 49,166 | 148,403,527 00 | 62 15 |
| Dukes, | 1,251 | 3,927,711 00 | 1 65 |
| Essex, | 84,741 | 246,481,129 00 | 103 52 |
| Franklin, | 10,943 | 22,219,343 00 | 9 65 |
| Hampden, | 35,249 | 109,775,780 00 | 45 84 |
| Hampshire, | 12,888 | 31,873,719 00 | 13 39 |
| Middlesex, | 123,160 | 412,730,375 00 | 171 45 |
| Nantucket, | 901 | 3,243,706 00 | 1 34 |
| Norfolk, | 33,263 | 161,055,746 00 | 65 44 |
| Plymouth, | 27,065 | 68,385,439 00 | 29 07 |
| Suffolk, | 143,332 | 945,680,221 00 | 378 95 |
| Worcester, | 80,264 | 205,445,361 00 | 87 21 |
| Total, | 631,247 | \$2,429,832,966 00 | \$1,000 00 |

SECTION 2. This act shall take effect upon its passage.

*Approved March 23, 1892.***Chap. 97** AN ACT RELATING TO RULES AND ORDERS AND REGULATIONS OF
THE BOARD OF ALDERMEN OF THE CITY OF BOSTON.*Be it enacted, etc., as follows:*Regulations,
etc., of the
board of alder-
men of Boston.

SECTION 1. The enacting style and method of publishing rules and orders and regulations of the board of aldermen of the city of Boston shall be such as said board may by regulation prescribe.

SECTION 2. This act shall take effect upon its passage.

*Approved March 23, 1892.***Chap. 98** AN ACT TO AUTHORIZE THE CITY OF NORTHAMPTON TO ISSUE
ADDITIONAL SEWER SCRIP.*Be it enacted, etc., as follows:*1888, 354, § 9,
amended.

SECTION 1. Section nine of chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the word "one", in the eighth line, and inserting in place thereof the word:—two,—and by striking out the word "ten", in the ninth line thereof, and inserting in place thereof

the word:—twenty,—so as to read as follows:—*Section 9.* For the purpose of defraying the expenses and outlays incurred for the purposes aforesaid, or so much thereof as they shall see fit, the city council of the city of Northampton is hereby authorized to issue from time to time scrip, notes, bonds or certificates of debt, to be denominated on the face thereof, Sewer Scrip of the City of Northampton, to an amount outstanding at any one time not exceeding two hundred thousand dollars, and redeemable at a time not exceeding twenty years from and after the date.

Sewer scrip not exceeding \$200,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1892.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO RAISE MONEY *Chap. 99*
FOR THE CELEBRATION OF THE FIFTIETH ANNIVERSARY OF ITS
INCORPORATION AS A TOWN.

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville is hereby authorized to raise by taxation a sum not exceeding five thousand dollars, for the purpose of celebrating the fiftieth anniversary of its incorporation as a town, and of publishing an account of the proceedings of such celebration and a memorial history of Somerville.

May raise money for celebration of its fiftieth anniversary, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1892.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE EAST *Chap. 100*
BOSTON DISTRICT COURT.

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the East Boston district court shall be twenty-two hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

Salary established.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the nineteenth day of March, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

AN ACT TO ESTABLISH THE SALARY OF THE GOVERNOR OF THE *Chap. 101*
COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The salary of the governor shall be eight thousand dollars a year. He shall not be entitled to fees or perquisites.

Salary established.

SECTION 2. Chapter three hundred and twenty-eight of the acts of the year eighteen hundred and eighty-four is hereby repealed.

SECTION 3. This act shall take effect from the beginning of the next political year.

Approved March 25, 1892.

Chap.102

AN ACT RELATING TO THE PURSUING OF WILD FOWL.

Be it enacted, etc., as follows :

Repeal of laws
imposing
penalty for
pursuing wild
fowl.

SECTION 1. So much of section six of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, and acts amendatory thereof, as imposes a penalty for pursuing any wild fowl with or by aid of a sailboat, is hereby repealed.

Penalty for
pursuing wild
fowl.

SECTION 2. Whoever pursues any wild fowl with or by aid of a boat propelled by steam or by naphtha, or by aid of a boat or vessel propelled by any mechanical means other than sails, oars or paddles, shall be punished by a fine of twenty dollars.

Approved March 25, 1892.

Chap.103

AN ACT TO AUTHORIZE THE TRUSTEES OF THE BROMFIELD STREET METHODIST EPISCOPAL CHURCH IN BOSTON TO SELL AND CONVEY THE REAL ESTATE OF SAID CHURCH.

Be it enacted, etc., as follows :

May sell real
estate.

Alden Speare, William Clafin, Silas Peirce, John O. Bishop, Pliny Nickerson, Caleb G. Beal, Joshua Merrill, Oliver H. Durrell and Albert R. Whittier, trustees under a certain deed from William Hall Jackson to Amos Binney and others, dated the twenty-fourth day of March in the year eighteen hundred and six, and recorded in the registry of deeds for the county of Suffolk, in book two hundred and fifteen, page one hundred and forty-nine, which trustees were appointed by decree of the supreme judicial court of the Commonwealth made on the eighth day of October in the year eighteen hundred and ninety-one, and their successors, are hereby authorized to sell, from time to time, by public or private sale, in pursuance of a majority vote of said trustees, the whole or any part of the real estate now held by them, including the church edifice situated on Bromfield street in the city of Boston and commonly known as the Bromfield street Methodist Episcopal church, and the land upon which it is located or adjoining thereto, and to convey the same by a deed executed by said trustees or a majority of them, or by such officer or officers as said trustees by a majority vote

may designate, in fee simple or otherwise, discharged from all trusts or conditions, ecclesiastical or otherwise, and from any liability to see to the application of the purchase money. Such sale and conveyance to be made with the consent of the persons or bodies whose consent to sales of real estate is required by the discipline and usages for the time being of the Methodist Episcopal church in the United States of America; — the net proceeds of sale to be held and disposed of by said trustees for the use of the members of the Methodist Episcopal church in the United States of America, according to the rules and discipline which from time to time may have been or may be agreed upon and adopted at the general conferences of said church in the United States of America, and the final application of said proceeds, in accordance with said rules and discipline, to be a full discharge of the said trustees, the trusts of said deed being thereupon terminated.

Disposition of
proceeds of sale.

Approved March 25, 1892.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES OF THE
SUPREME JUDICIAL COURT.

Chap.104

Be it enacted, etc., as follows:

SECTION 1. From and after the first day of January in the year eighteen hundred and ninety-two, there shall be paid out of the treasury of the Commonwealth, to the chief justice of the supreme judicial court, an annual salary of seventy-five hundred dollars, and also five hundred dollars annually in full compensation for travelling expenses; and to each of the associate justices of said court, an annual salary of seven thousand dollars, and also five hundred dollars each annually in full compensation for travelling expenses.

Salaries, etc.,
established.

SECTION 2. Section one of chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

Repeal of 1888,
274, § 1.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1892.

AN ACT TO REPEAL SECTION ELEVEN OF CHAPTER ONE HUNDRED
AND FIFTY-TWO OF THE PUBLIC STATUTES REQUIRING PRESIDING
JUDGES OF THE SUPERIOR COURT TO REDUCE TO WRITING THEIR
DECISIONS AND INSTRUCTIONS DURING THE PROGRESS OF A TRIAL.

Chap.105

Be it enacted, etc., as follows:

Section eleven of chapter one hundred and fifty-two of the Public Statutes is hereby repealed.

Repeal of P. S.
152, § 11.

Approved March 25, 1892.

Chap.106 AN ACT TO AUTHORIZE THE TOWN OF EASTHAMPTON TO REFUND
A PORTION OF CERTAIN MONEYS PAID FOR A LIQUOR LICENSE.

Be it enacted, etc., as follows:

Town may
refund a portion
of a liquor
license fee.

SECTION 1. The town of Easthampton is hereby authorized to refund to Eliza O'Donnel a portion of the sum paid by Edward O'Donnel, in the month of June in the year eighteen hundred and ninety, for a liquor license, the part so refunded to be in proportion to the unexpired period of the license.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1892.

Chap.107 AN ACT TO ESTABLISH THE NUMBER OF OFFICERS IN ATTENDANCE
UPON THE SUPERIOR AND SUPREME JUDICIAL COURTS FOR THE
COUNTY OF MIDDLESEX, TO DEFINE THEIR DUTIES AND TO ESTAB-
LISH THEIR SALARIES.

Be it enacted, etc., as follows:

Officers to
attend certain
courts in
Middlesex
County.

SECTION 1. The sheriff of the county of Middlesex may appoint, subject to the approval of the justices of the superior court or a majority thereof, four officers for attendance on the sessions of said court for civil business. Such officers shall when required by the sheriff attend the sessions of the supreme judicial court, when not in attendance on the superior court.

To give bond to
the sheriff.

SECTION 2. Each of such officers shall give to the sheriff of the county of Middlesex a bond, with sufficient sureties for the faithful performance of his duties, in the sum of fifteen hundred dollars.

Compensation
and travel.

SECTION 3. Such officers shall receive from the county of Middlesex an annual salary of sixteen hundred dollars in full for all services performed by them, and five cents a mile for travel out and home once a week during such attendance, when such distance exceeds five miles one way.

Authority.

SECTION 4. Such officers shall have all the authority which constables now have by law to serve venires for jurors and the processes of said courts, and shall be allowed in such service the actual expenses necessarily incurred therein.

To wear
uniforms.

SECTION 5. The deputy sheriffs and officers in attendance at the superior and supreme judicial courts shall, while on duty in said courts, wear uniforms to be designated by the sheriff.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 7. This act shall take effect upon its passage.
Approved March 25, 1892.

AN ACT TO AUTHORIZE THE PILGRIM CONGREGATIONAL CHURCH OF DUXBURY TO CONVEY ITS PROPERTY. Chap.108

Be it enacted, etc., as follows:

The Pilgrim Congregational Church of Duxbury is hereby authorized to convey its meetinghouse, parsonage and fund, to the Pilgrim Church of said Duxbury, to be used in the support of religious worship in said town. May convey its property.

Approved March 25, 1892.

AN ACT RELATIVE TO THE TAKING OF LAND FOR TAXES SO AS TO DISPENSE WITH THE FILING OF CERTAIN PAPERS CONNECTED WITH SUCH TAKING. Chap.109

Be it enacted, etc., as follows:

SECTION 1. Section fifty-three of chapter three hundred and ninety of the acts of the year eighteen hundred eighty-eight is hereby amended by striking out, in the fifth line thereof, the words "filed and", so as to read as follows:— *Section 53.* The affidavit of the collector, deputy collector, or of a disinterested person, taken before a justice of the peace, of the service of the demand of payment, and of the notice, as provided in the preceding section, with copies thereof annexed, recorded in the registry of deeds of the county or district where the land lies, shall be competent evidence of such demand and notice. 1888, 390, § 53, amended.
Competent evidence of demand and notice.

SECTION 2. Section fifty-four of chapter three hundred and ninety of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out, in the eighth line thereof, the words "filed and", so as to read as follows:— *Section 54.* Said affidavits shall be annexed to the instrument of taking, which shall be under the hand and seal of the collector, and shall contain a statement of the cause of taking, a substantially accurate description of each parcel of land taken, the name of the person to whom the same was assessed, and the amount of the tax thereon and of the incidental costs and expenses to the date of taking, and shall be recorded in the registry of deeds of the county or district where the land lies; 1888, 390, § 54, amended.
Statement of the cause of taking, etc.

and the title to the lands so taken shall thereupon vest in the city or town, subject to the right of redemption given by section fifty-seven.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1892.

Chap.110 AN ACT AUTHORIZING STEAM RAILROADS TO USE ELECTRICITY AS
A MOTIVE POWER.

Be it enacted, etc., as follows:

Operation of
railroads by
electricity.

Railroad corporations which are subject to the provisions of chapter one hundred and twelve of the Public Statutes and amendments thereto, are hereby authorized to operate their railroads by electricity.

Approved March 25, 1892.

Chap.111 AN ACT TO AUTHORIZE THE TOWN OF HOLBROOK TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May make an
additional
water loan.

SECTION 1. The town of Holbrook, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue bonds, notes, or scrip from time to time, to be denominated on the face thereof, Holbrook Water Loan, to an amount not exceeding thirty-five thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Holbrook water loan by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and thirty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1892.

Chap.112 AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May make an
additional
water loan.

SECTION 1. The town of Randolph, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and

eighty-five, may issue bonds, notes or scrip from time to time, to be denominated on the face thereof, Randolph Water Loan, to an amount not exceeding twenty-five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Randolph water loan by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and forty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1892.

AN ACT TO AUTHORIZE THE PLYMOUTH AND MIDDLEBOROUGH RAILROAD COMPANY TO LEASE ITS ROAD AND ISSUE BONDS. Chap. 113

Be it enacted, etc., as follows:

SECTION 1. The Plymouth and Middleborough Railroad Company by vote of its directors may make a lease of its road, property and franchise, to the Old Colony Railroad Company, for a term not exceeding ninety-nine years, upon such terms as the directors may agree; and the Old Colony Railroad Company may accept the same lease by vote of its directors.

May lease franchise, etc., to the Old Colony Railroad Company.

SECTION 2. Section seven of chapter one hundred and eight of the acts of the year eighteen hundred and ninety is hereby amended by striking out the words "at any time the sum of fifteen thousand dollars per mile for each mile actually constructed and ready for operation", in the eighth, ninth and tenth lines of said section, and inserting in place thereof the words: — two hundred and twenty-five thousand dollars, — so as to read as follows: — *Section*

1890, 108, § 7, amended.

7. Said railroad company may borrow money for any lawful purpose, and may by vote at a meeting duly called for the purpose issue coupon or registered bonds for the payment of money borrowed, and may mortgage or pledge as security for the payment of said bonds a part or all of its railroad equipment or franchise, and a part or all of its property, real or personal. Such bonds may be issued to an amount not to exceed two hundred and twenty-five thousand dollars, and in all respects, other than the amount to be issued as herein specified, such bonds shall

May borrow money, issue bonds, etc.

conform and be subject to, and said company shall issue the same in conformity with, all laws authorizing and regulating the issue of bonds by railroad companies.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1892.

Chap. 114 AN ACT TO REGULATE THE RATES OF PILOTAGE FOR LANDING PLACES IN THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

Pilotage regulated; fees.

The pilotage for landing places in the town of Winthrop shall not be compulsory; but when the services of a pilot are required and are offered, outside of a line drawn from Point Shirley on the east to the south point of Apple island on the south, thence in a direct line to Camp Hill point on the west, the rates of pilotage shall be as follows: for vessels drawing ten feet and under, fifty cents a foot, for vessels drawing over ten feet, sixty cents a foot.

Approved March 31, 1892.

Chap. 115 AN ACT RELATING TO THE FILLING OF VACANCIES IN THE OFFICE OF COUNTY COMMISSIONER.

Be it enacted, etc., as follows:

Filling of vacancy in office of county commissioner, by appointment.

SECTION 1. Whenever a vacancy occurs in the office of county commissioner in any county, the two remaining county commissioners and the clerk of the courts for the county, or a majority of the three, may, if they shall deem it expedient and for the interest of the public, appoint some suitable person to fill such vacancy, who shall exercise all the powers and be subject to all the disabilities which pertain to such office under the statutes of this Commonwealth. And the person so appointed shall hold his said office until the first Wednesday in January succeeding his appointment.

Filling of vacancy by election.

SECTION 2. If a vacancy occurs in the office of county commissioner or special commissioner in any county, and the successor of the person whose death, removal or resignation has caused such vacancy, would not be required by law to be chosen at the annual election in November following the occurrence of such vacancy, the board of examiners shall duly order said vacancy to be filled by election at the time of said annual election, whether said vacancy shall have been temporarily filled by an appointment under the provisions of section one of this act or

otherwise; and they shall issue their warrant therefor to the mayor and aldermen of cities and selectmen of towns in such county, or in the county of Middlesex to the mayor and aldermen of cities and selectmen of towns therein, and of Revere and Winthrop, and the person chosen shall fill the office for the remainder of the term.

SECTION 3. The term of office of county commissioners Term of office. and special commissioners shall commence on the first Wednesday in January succeeding their election, and they shall hold their offices for the term of three years and until other persons are chosen and qualified in their stead.

SECTION 4. Section two hundred and one of chapter four hundred and twenty-three of the acts of the year Repeal of 1890, 423, § 201. eighteen hundred and ninety and all other provisions of law inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved March 31, 1892.

AN ACT GIVING PROBATE COURTS CONCURRENT JURISDICTION WITH THE SUPREME JUDICIAL COURT IN EQUITY IN RELATION TO TRUSTS. Chap.116

Be it enacted, etc., as follows:

SECTION 1. Section twenty-seven of chapter one hundred forty-one of the Public Statutes is hereby amended P. S. 141, § 27, amended. by inserting after the word "will", in the third line thereof, the words: — or other written instrument, — so as to read as follows: — The probate courts in the several counties Jurisdiction of courts relative to trusts. may, concurrently with the supreme judicial court, hear and determine in equity all matters in relation to trusts created by will or other written instrument not particularly mentioned in this chapter, and shall have jurisdiction over all matters relating to the termination of trusts under wills, deeds, indentures, or other instruments.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1892.

AN ACT EXTENDING THE TIME FOR ARRANGING AND INDEXING THE FILES AND RECORDS IN THE OFFICE OF THE REGISTER OF PROBATE FOR THE COUNTY OF HAMPSHIRE. Chap.117

Be it enacted, etc., as follows:

SECTION 1. The time for arranging and indexing the files and records in the office of the register of probate for the county of Hampshire is hereby extended for a period Time extended for indexing files and records.

Allowance,
1890, 262.

of three years from the seventeenth day of April in the year eighteen hundred and ninety-two, and the allowance for said work shall continue at the same rate as provided in chapter two hundred and sixty-two of the acts of the year eighteen hundred and eighty-nine, to be audited and paid in the same manner as provided in said chapter.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1892.

Chap.118 AN ACT RELATIVE TO THE REVOCATION OF A WILL ON THE MARRIAGE OF THE TESTATOR.

Be it enacted, etc., as follows :

Revocation of a
will on the
marriage of the
testator.

SECTION 1. The marriage of any person shall act as a revocation of any will made by such person previous to such marriage, unless it shall appear from the will itself that the will was made in contemplation of such marriage, or unless and except so far as the will is made in exercise of a power of appointment and the estate thereby appointed would not, in default of appointment, pass to the persons that would have been entitled to the same if it had been the testator's own estate and he or she had died without disposing of it by will.

To take effect
July 1, 1892.

SECTION 2. This act shall take effect upon July first, eighteen hundred and ninety-two.

Approved March 31, 1892.

Chap.119 AN ACT PROVIDING FOR THE CONSTRUCTION OF ADDITIONAL PIERS FOR THE SUPPORT OF ROCKS BRIDGE AND FOR REPAIRS ON SAID BRIDGE.

Be it enacted, etc., as follows :

Additional piers
to be con-
structed for the
support of
Rocks bridge.

SECTION . 1. The county commissioners for Essex county are hereby authorized and required, within one year after the passage of this act, to construct two additional piers for the support of the two easterly spans of the Rocks bridge, which crosses the Merrimac river between the city of Haverhill and the town of West Newbury. Also, if in their judgment the same is necessary, they may construct one pier for the support of the span at the westerly end of said bridge. The construction of said piers shall be subject to the approval of the board of harbor and land commissioners. Said piers shall be constructed of stone or iron as said county commissioners may determine. The cost of said piers and supports shall

Cost.

be paid by the county of Essex, and said commissioners are authorized to borrow such sums of money on the credit of said county as may be necessary to carry out the provisions of this act.

Commissioners may borrow money.

SECTION 2. Said county commissioners are also authorized to make such repairs on said Rocks bridge as in their judgment are necessary for the safety and convenience of public travel. The cost of such repairs shall be paid in equal portions, as follows: the city of Haverhill one third, the towns of Amesbury and Merrimac one third, and the town of West Newbury one third, as is now provided by chapter four hundred and twenty-one of the acts of the year eighteen hundred and sixty-nine.

Repairs to be made; apportionment of cost, 1869, 421.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1892.

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO REFUND A PORTION OF ITS DEBT. Chap.120

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson is authorized to borrow for a term not exceeding ten years, a sum not exceeding forty thousand dollars, for the purpose of paying two notes given by said town, one for fifteen thousand dollars and one for twenty-five thousand dollars, which become due on the fourth day of April in the year eighteen hundred and ninety-two.

Town may refund a portion of its debt.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1892.

AN ACT RELATING TO THE RESIDENCE OF REGISTERS OF DEEDS AND TO THE PLACE OF KEEPING BOOKS, RECORDS, DEEDS AND PAPERS BELONGING TO THEIR OFFICES. Chap.121

Be it enacted, etc., as follows:

Section twelve of chapter twenty-four of the Public Statutes is hereby amended, in the first and second lines of said section, by striking out the words "reside in the city or town where the office of his registry is required to be, and shall there keep", and inserting in place thereof the words: — keep in the office of his registry, — so as to read as follows: — *Section 12.* Every register of deeds shall keep in the office of his registry, all books, records, deeds and papers belonging to his office, and shall have such office open to the public on every day except Sundays and public holidays.

P. S. 24, § 12, amended.

Custody of books, papers, etc.; office to be open to public, etc.

Approved April 4, 1892.

Chap.122 AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO INCUR INDEBTEDNESS FOR THE PURPOSE OF ERECTING A HIGH SCHOOL BUILDING.

Be it enacted, etc., as follows :

May incur indebtedness for purpose of erecting a high school building.

SECTION 1. The town of Arlington may incur indebtedness, for the purpose of erecting a high school building in said town, to an amount not exceeding the limit of indebtedness fixed by law for said town, and may from time to time issue negotiable notes, bonds or scrip therefor, properly denominated on the face thereof, and payable in periods not exceeding twenty years from the date of issue ; but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1892.

Chap.123 AN ACT TO PROVIDE AND DEFINE THE PUNISHMENT FOR PERJURY.

Be it enacted, etc., as follows :

P. S. 205, § 1, amended.

Penalties for perjury.

Section one of chapter two hundred and five of the Public Statutes is hereby amended by adding at the end thereof the following words :—or by fine not exceeding one thousand dollars, or by imprisonment in the jail not exceeding three years, or by both said fine and imprisonment in the jail, — so as to read as follows : — *Section 1.* Whoever, being lawfully required to depose the truth in any proceeding in a course of justice, commits perjury, shall be punished, if the perjury is committed on the trial of an indictment for a capital crime, by imprisonment in the state prison for life, or for any term of years, and, if committed in any other case, by imprisonment in the state prison not exceeding twenty years, or by fine not exceeding one thousand dollars, or by imprisonment in the jail not exceeding three years, or by both said fine and imprisonment in the jail.

Approved April 4, 1892.

Chap.124 AN ACT PROVIDING FOR THE PUBLICATION AND POSTING OF PROPOSED CONSTITUTIONAL AMENDMENTS.

Be it enacted, etc., as follows :

A full copy of proposed amendment to be printed in the warrant.

SECTION 1. Whenever a constitutional amendment is to be submitted to the people, the warrants for all meetings of voters at which a vote on the amendment is to be

taken shall contain a copy of the proposed amendment, printed in full.

SECTION 2. The secretary of the Commonwealth shall cause such proposed amendment to be published, in the manner provided for the publication of lists of nominations by section fourteen of chapter four hundred and thirty-six of the acts of the year eighteen hundred and eighty-eight, or by any amendment heretofore or hereafter made thereto. He shall also cause the amendment to be printed in full with the heading, Proposed Constitutional Amendment, in large type, and copies thereof shall be sent to the registrars of voters and posted by them in the manner provided in the case of lists of candidates by said section fourteen, or by any amendment heretofore or hereafter made thereto. Copies thereof shall also be sent to the several city and town clerks and to the election officers of each voting place, and shall be posted at each voting shelf and about the polling room, in the manner provided in the case of cards of instruction by sections sixteen, seventeen and eighteen of said act, or by any amendment heretofore or hereafter made thereto.

Publication of proposed amendment.

Copies to be posted by registrars of voters.

Copies to be posted at each voting shelf, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1892.

AN ACT TO AUTHORIZE THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 125

Be it enacted, etc., as follows:

SECTION 1. The New England Hospital for Women and Children is hereby authorized and empowered to hold real estate not exceeding in value five hundred thousand dollars, and personal property not exceeding in value five hundred thousand dollars, instead of the amounts of real estate and personal property authorized by its act of incorporation.

May hold additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1892.

AN ACT TO AUTHORIZE THE TOWN OF REVERE TO ESTABLISH A GRADE FOR CELLARS.

Chap. 126

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Revere, when authorized so to do by a vote of said town at a meeting legally held, shall establish in said town a cellar grade of not less than fourteen feet above mean low water; and no person after such grade is established shall

Town of Revere may establish a grade for cellars, etc.

construct in said town any cellar or basement cellar of any building below such grade, or use or occupy any cellar or basement cellar so constructed: *provided*, that the selectmen may, by license subject to revocation at any time by them, authorize cellars to be constructed or used in buildings used exclusively for storage or business purposes so much below said grade as they shall designate in each license.

Owners and occupants to comply with requirements, etc.; powers and duties of town officers, etc.

SECTION 2. If any person constructs or uses any cellar or basement cellar in violation of this act, said selectmen shall order the owner or occupant of such cellar or basement cellar to so alter and construct the same as to conform to the requirements of this act; and if such owner or occupant fails to comply with such order within ten days after service thereof, as provided by the following section, said selectmen shall so alter or cause to be altered such cellar or basement cellar; and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar or basement cellar is constructed and upon the buildings upon such land, and may be collected in the manner provided by law for the collection of taxes upon real estate; and the town treasurer in behalf of said town may purchase such land, or land and buildings, at any sale thereof, for the enforcement of such lien.

Written orders to be served, etc., P. S. 80, § 22.

SECTION 3. All orders under the preceding section shall be made in writing, and served upon said owners or occupants or their authorized agents as prescribed by section twenty-two of chapter eighty of the Public Statutes for the service of orders of boards of health; and the superior court or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing or using any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions and may order and enforce the abatement or alteration of any cellar or basement cellar constructed or used in violation thereof, so that such cellars shall be in accordance with such provisions.

Provisions may be enforced by injunction, etc.

Approved April 4, 1892.

Chap. 127 AN ACT AUTHORIZING THE TRANSFER OF CASES IN THE SUPREME JUDICIAL COURT.

Be it enacted, etc., as follows:

Court may transfer cases, etc.

The supreme judicial court, sitting as a full court in any county or for the Commonwealth, shall have jurisdic-

tion of all questions of law and of all cases and matters at law or in equity, civil or criminal, arising in any other county than that in or for which it is sitting, and which might properly come before and be heard and determined by the full court sitting for such other county; and upon an application of one or more of the parties a majority of the justices of said court shall in their discretion have power to order any such questions of law, or case or matter, to be entered and heard by the full court sitting in any county, or at Boston for the Commonwealth.

Approved April 4, 1892.

AN ACT TO ESTABLISH THE SALARY OF THE CHIEF OF THE DISTRICT POLICE. Chap.128

Be it enacted, etc., as follows:

SECTION 1. The salary of the chief of the district police shall be twenty-five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two. Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1892.

AN ACT RELATING TO TAXES UPON CERTAIN ACCIDENT, FIDELITY AND GUARANTY INSURANCE COMPANIES. Chap.129

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and ninety-seven of the acts of the year eighteen hundred and ninety is hereby amended by striking out, in the third and fourth lines of said section, the words "thirty-four to thirty-seven", and inserting in place thereof the words: — thirty-three to thirty-seven, both, — also by adding, at the end of said section, the words: — and by chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight, — so as to read as follows: — 1890, 197, § 2, amended.

Section 2. Every corporation which by the provisions of this act is required to pay a tax shall be subject so far as applicable thereto to the provisions of sections thirty-three to thirty-seven, both inclusive, of chapter thirteen of the Public Statutes as amended by chapter two hundred and eighty-three of the acts of the year eighteen hundred and eighty-seven, and by chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight. Subject to P. S. 13, §§ 33-37; 1887, 283; 1888, 154.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1892.

Chap.130 AN ACT TO ANNEX A PART OF THE TOWN OF PHILLIPSTON TO
THE TOWN OF TEMPLETON.

Be it enacted, etc., as follows:

Part of town of
Phillipston an-
nexed to Tem-
pleton.

SECTION 1. So much of the town of Phillipston as lies between the present boundary line between said town and the town of Templeton, and a line beginning on said boundary line at a granite boundary line monument on the easterly side of the road leading from Templeton through Brooks Village, so-called, to Phillipston, thence running north about thirty degrees west in line of three granite boundary line monuments, to a granite boundary line monument on the northerly side of the road leading from Templeton through Brooks Village, so-called, to Athol, with all the inhabitants and estates therein is set off from said town of Phillipston and annexed to and made a part of the town of Templeton. And said inhabitants shall hereafter be inhabitants of said town of Templeton and shall enjoy all the rights and privileges and be subject to all the duties and liabilities of inhabitants of the town of Templeton.

Taxes uncol-
lected to be paid
to town of
Phillipston.

SECTION 2. The inhabitants and estates within the territory above described, and the owners of said estates, shall continue liable to pay the said town of Phillipston all taxes remaining uncollected and legally assessed upon them, and all of said taxes shall be collected and paid to said town the same as if this act had not been passed. Until the next state valuation the town of Templeton shall annually, on or before the first day of November, pay to said town of Phillipston the proportionate part of the state and county tax assessed upon said town which the valuation of the part set off bears to the valuation of the town as established in the year eighteen hundred and ninety-one.

Division of
state and
county tax.

Settlement and
support of
paupers.

SECTION 3. If any person or persons who have heretofore gained a legal settlement in said town of Phillipston by reason of residence in said territory set off as afore-said, or by having been proprietors of any part thereof, or who may derive such settlement from any such residence or proprietorship, become in need of relief, aid or support as paupers, they shall be relieved and supported by the town of Templeton, in the same manner that they would have been had they gained a legal settlement therein.

SECTION 4. This act shall take effect upon its passage.

Approved April 5, 1892.

AN ACT RELATING TO THE OVERSEERS OF THE POOR OF THE CITY *Chap.131*
OF BOSTON.

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter one hundred and twenty-eight of the acts of the year eighteen hundred and sixty-four is hereby amended by striking out the word "April", in the fifth line of said section, and inserting in place thereof the word:—May,—so as to read as follows:—*Section 3.* The persons so first elected as overseers of the poor in the city of Boston, shall meet and organize on the first Monday of the month succeeding their election, and those thereafterwards elected shall meet for that purpose on the first Monday in May of each year. They shall choose a chairman from their own number, and a treasurer, secretary, and such subordinate officers as they may deem expedient, and shall define their duties and fix their respective salaries.

1864, 128, § 3,
amended.

Overseers of the
poor, organiza-
tion, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1892.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR OTHER EXPENSES AUTHORIZED BY LAW. *Chap.132*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other expenses authorized by law, to wit:—

Appropriations.

For travelling expenses of senators, as authorized by chapter fifty-nine of the acts of the present year, a sum not exceeding three thousand dollars.

Senators, travelling expenses.

For travelling expenses of representatives, as authorized by chapter fifty-nine of the acts of the present year, a sum not exceeding eighteen thousand seven hundred dollars.

Representatives, travelling expenses.

For salary and expenses of the fire marshal of the city of Boston, as provided for in chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-six, the sum of nine thousand nine hundred and thirty-nine dollars and ninety-nine cents, which amount is payable to the treasurer of the city of Boston.

Fire marshal of the city of Boston.

For the widow of the late Gardiner Tufts, the sum of three hundred fifty-nine dollars and seventy-two cents, as

Widow of the late Gardiner Tufts.

authorized by chapter six of the resolves of the present year.

Town of Oxford.

For the town of Oxford, the sum of two hundred sixty-six dollars and nineteen cents, as authorized by chapter seven of the resolves of the present year.

Joanna L. Cox.

For Joanna L. Cox, the sum of one hundred sixty-six dollars and sixty-seven cents, and the further sum of one hundred dollars as an annuity to said Joanna L. Cox, all of which is authorized by chapter eight of the resolves of the present year.

Statistics relative to families residing in rented tenements in Boston.

For providing for the collection, by the bureau of statistics of labor, of certain statistics relative to families residing in rented tenements in the city of Boston, as authorized by chapter nine of the resolves of the present year, a sum not exceeding two thousand dollars.

Gettysburg battlefield memorial association.

For the Gettysburg battlefield memorial association, the sum of four hundred dollars, as authorized by chapter ten of the resolves of the present year.

James Burke.

For James Burke, the sum of one hundred dollars, as authorized by chapter eleven of the resolves of the present year.

Topographical survey and map of the state.

For the topographical survey and map of Massachusetts, as authorized by chapter twelve of the resolves of the present year, a sum not exceeding eighty-five hundred dollars.

State farm at Bridgewater.

For certain repairs and improvements at the state farm at Bridgewater, a sum not exceeding twenty-three thousand dollars, as authorized by chapter thirteen of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1892.

Chap. 133 AN ACT RELATING TO THE PAYMENT OF OFFICIAL STENOGRAPHERS OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

1886, 291, § 2;
1887, 74, § 2,
amended.

Section two of chapter two hundred and ninety-one of the acts of the year eighteen hundred and eighty-five, as amended by section two of chapter seventy-four of the acts of the year eighteen hundred and eighty-seven, is hereby amended by striking out all after the word "rate", in the fifteenth line of said section, and inserting in place thereof the following words: — to be paid by the county in which such trial may take place, when certified by the presiding judge, — so as to read as follows: — *Section 2.* It shall be the duty of such stenographers to attend all sessions of

Duties, compensation.

said court held for civil business in the counties for which they are severally appointed, and to take stenographic notes of all evidence taken at such trials and of the rulings and charge of the presiding judge, and when requested by such judge to read from such notes in open court any portion of the testimony so taken, and to furnish such judge, when requested, a transcript from such notes fully written out of such part of such testimony, charge or rulings as may be desired, and upon request to furnish either party to such action within a reasonable time a like transcript upon payment of ten cents a hundred words for each copy so furnished. In case the presiding judge requires a transcript as aforesaid said stenographer shall be entitled to payment therefor at the same rate, to be paid by the county in which such trial may take place, when certified by the presiding judge. Allowance for copies.

Approved April 6, 1892.

AN ACT AUTHORIZING THE CITY OF LOWELL TO TAKE ADDITIONAL LAND FOR THE ARMORY LOT. Chap. 134

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell may, for the enlargement of the armory lot already existing in and belonging to said city, take, by purchase or otherwise, and hold all such adjacent lands on the westerly side of said armory lot in said city as may be necessary for that purpose, and shall within sixty days after the taking of any lands, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the northern district of the county of Middlesex, a description thereof as certain as is required in an ordinary deed of land, with a statement signed by the mayor that the same is taken for armory purposes under the provisions of this act; and the act and time of the filing thereof shall be deemed to be the act and time of the taking of such land, and to be sufficient notice to all persons that the same has been so taken. May take land for enlargement of armory lot.

SECTION 2. Said city shall pay all damages sustained by any person or corporation by the taking of any lands under this act, and shall, by its city council, make an award of said damages at the time of such taking; and any person or corporation aggrieved by such award of damages may at any time within one year thereafter apply for a jury to revise the same, as in the case of land taken for highways in said city. City to pay damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.135 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

Cambridge
Water Loan.

Application of
proceeds of
loan.

Sinking fund.

SECTION 1. The city of Cambridge by its city council is hereby authorized to issue, in addition to what it is already authorized by law to issue, scrip or bonds to be denominated on the face thereof, Cambridge Water Loan, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding four per centum per annum, payable semi-annually, the principal to be payable at periods not exceeding thirty years from the date of issue. The proceeds of said loan shall be used in settling unpaid damages for property taken, and for completing the Stony brook water supply authorized by chapter two hundred fifty-six of the acts of the year eighteen hundred eighty-four; and for constructing, completing and keeping in repair roads adjoining and bounding lands bought and taken in connection with its Fresh pond reservoir, as authorized in chapter one hundred thirty-seven of the acts of the year eighteen hundred eighty-eight, and for building a bridge over the Watertown branch of the Fitchburg railroad to connect such roads with Huron street extended; and for any and all other purposes connected with the protection of the water supply and the renewal, enlargement and construction of the water works of said city of Cambridge.

SECTION 2. All the provisions of chapter two hundred fifty-six of the acts of the year eighteen hundred eighty-four and the acts referred to therein, in regard to the establishment and maintenance of a sinking fund for the redemption of the Cambridge water loan, shall apply to the loan authorized by this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.136 AN ACT TO INCORPORATE THE WASHINGTON SAVINGS INSTITUTION
OF LOWELL.

Be it enacted, etc., as follows :

Washington
Savings Institu-
tion incor-
porated.

SECTION 1. William J. Coughlin, John J. Donovan, Stephen J. Johnson, Lemuel W. Hall, John W. McEvoy, James J. Coffey, Thomas C. Lee, Charles Wheeler, Patrick Gilbride, George M. Harrigan, Humphrey O'Sullivan, Peter F. Conaton, John E. Drury, Robert E. Crowley,

Dennis Murphy, John J. Hogan, Patrick O'Hearn, Patrick J. Savage, John T. Seede, George T. Sheldon, their associates and successors, are hereby made a corporation by the name of the Washington Savings Institution, to be located in the city of Lowell; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Powers, duties, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1892.

AN ACT TO AUTHORIZE THE SCHOOL FOR CHRISTIAN WORKERS TO ADMIT WOMEN AS STUDENTS.

Chap. 137

Be it enacted, etc., as follows:

The School for Christian Workers is authorized to admit women as students.

Approved April 6, 1892.

Women may be admitted as students.

AN ACT RELATING TO THE FRAUDULENT CONVERSION OF MONEY OR SECURITIES DEPOSITED FOR A SPECIFIC PURPOSE.

Chap. 138

Be it enacted, etc., as follows:

Whoever, as broker or as officer, manager or agent of any incorporated company doing the business of brokers, having been entrusted, either solely or jointly with another, with any money, stocks or security for the payment of money, with any direction in writing to invest, dispose of, apply, pay or deliver such money, stocks or security, or any part thereof respectively, or the proceeds of the same or any part thereof, in any manner, for any purpose or to any person mentioned or specified in such direction, shall, in violation of good faith and contrary to the terms of such direction, embezzle or fraudulently convert to his own use such money, stocks or security, or any part thereof, or the proceeds of the same, or any part thereof, shall be punished by imprisonment in the state prison not exceeding five years or in the jail not exceeding three years, or by a fine not exceeding five hundred dollars.

Penalty for fraudulent conversion of money, etc., deposited for a specific purpose.

Approved April 6, 1892.

AN ACT PROVIDING COMPENSATION FOR THE MEMBERS OF THE STATE DAIRY BUREAU.

Chap. 139

Be it enacted, etc., as follows:

SECTION 1. From and after the first day of January in the year eighteen hundred and ninety-two the members

Compensation of the state dairy bureau.

of the state dairy bureau shall be allowed from the treasury of the Commonwealth five dollars a day for each day of actual service in the discharge of their duties as members of said bureau, in addition to their actual travelling expenses. The amount so allowed shall be paid from the sum now limited by section eight of chapter four hundred and twelve of the acts of the year eighteen hundred and ninety-one for carrying forward the work of said bureau.

SECTION 2. This act shall take effect upon its passage.
Approved April 6, 1892.

Chap.140 AN ACT TO AUTHORIZE THE PREPARATION FOR THE STATE LIBRARY OF AN INDEX OF CURRENT EVENTS.

Be it enacted, etc., as follows:

Index to current events, etc., contained in the newspapers.

SECTION 1. The trustees and librarian of the state library are hereby authorized to cause to be prepared, at their discretion, an index to current events, and such other matters as they may deem important, contained in the newspapers of the day.

Expense not to exceed \$1,000.

SECTION 2. There shall be allowed and paid from the treasury of the Commonwealth, to defray the expense necessary to carry out the provisions of the preceding section, a sum not exceeding one thousand dollars annually.

Approved April 6, 1892.

Chap.141 AN ACT TO AUTHORIZE EDUCATIONAL AND RELIGIOUS ASSOCIATIONS TO DEFINE GROUNDS AND WAYS UNDER THEIR CONTROL AND TO ENFORCE REGULATIONS CONCERNING THE SAME.

Be it enacted, etc., as follows:

May define and fix bounds upon grounds and ways under its control, etc.

SECTION 1. Any educational or religious association, incorporated under chapter one hundred and fifteen of the Public Statutes, may define and fix bounds upon private grounds and private ways under its control leading to public streets, railroads or railways, ponds or streams, for the purposes of its annual sessions, within which bounds no person shall be permitted to enter or pass unless in conformity with the regulations made by its board of management: *provided*, that before its said sessions, and during the continuance thereof, it shall have conspicuously posted at all entrances of said defined premises the said regulations.

Regulations to be posted.

SECTION 2. The officers of said association may designate any officers authorized to serve criminal processes within any town or city of the county where it is located, to act at its sessions for the preservation of public peace, the enforcement of its regulations and service of criminal processes within said defined premises.

Regulations may be enforced by officers authorized to serve criminal process.

SECTION 3. Whoever, contrary to the aforesaid regulations, after notice thereof, enters or passes within the bounds so fixed, shall be punished by a fine not exceeding five dollars.

Penalty.

SECTION 4. The foregoing provisions shall not authorize any such association to occupy or include within such bounds the land of any person without his consent, nor to obstruct travel on any public highway.

Not to obstruct travel on a public way.

Approved April 6, 1892.

AN ACT TO INCORPORATE THE WILLIAMSTOWN SAVINGS BANK.

Chap.142

Be it enacted, etc., as follows:

SECTION 1. James White, Keyes Danforth, Clarence M. Smith, Stephen A. Hickox and Charles S. Cole, their associates and successors, are hereby made a corporation by the name of the Williamstown Savings Bank, with authority to establish and maintain a savings bank in the town of Williamstown; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Williamstown Savings Bank incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1892.

AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK OF THE SECRETARY OF THE STATE BOARD OF AGRICULTURE.

Chap.143

Be it enacted, etc., as follows:

SECTION 1. The salary of the first clerk of the secretary of the state board of agriculture shall be sixteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.144 AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE TREASURER OF THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

Allowance for clerical assistance.

SECTION 1. From and after the first day of January in the year eighteen hundred and ninety-two, the treasurer of the county of Bristol shall be allowed for clerical assistance a sum not exceeding three hundred dollars a year, to be paid out of the treasury of the county to persons who actually perform the work, upon the certificate of said treasurer that the work is actually performed by them.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.145 AN ACT TO AUTHORIZE THE NEWTON AND BOSTON STREET RAILWAY COMPANY TO INCREASE ITS CAPITAL STOCK, EXTEND ITS LOCATION, ISSUE BONDS AND MORTGAGE ITS PROPERTY AND FRANCHISE.

Be it enacted, etc., as follows:

May increase capital stock.

SECTION 1. The Newton and Boston Street Railway Company is hereby authorized to increase its capital stock to an amount which, together with the amount heretofore authorized, shall not exceed one hundred thousand dollars, for the purpose of extending its tracks upon such locations as may be granted by the mayor and aldermen of the city of Newton, and for the purchase of equipment.

May extend its tracks, etc.

SECTION 2. The said company may extend, maintain and operate its tracks in any street or location granted to said company by the mayor and aldermen of the city of Newton, and on land acquired by the said company by purchase or by lease, or on land over which a right of way has been or may be acquired by said company. But said company shall not cross the tracks of any steam railroad at grade without first obtaining the written consent of the railroad commissioners.

May issue bonds, etc.

SECTION 3. The said company, from time to time, by a vote of a majority in interest of its stockholders at meetings called for the purpose, may issue coupon or registered bonds, bearing interest not exceeding six per centum per annum, to an amount not exceeding the amount of its capital stock actually subscribed for and paid in, for a term not exceeding thirty years from date thereof; and to secure payment thereof, with interest thereon, the said company may make a mortgage of its road and franchise and

any part of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or otherwise in due course of business dispose of property included in such mortgage, which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value be substituted in lieu thereof.

SECTION 4. All bonds so issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be certified that they are properly issued.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1892.

AN ACT PROVIDING FOR THE CONSOLIDATION OF THE BOSTON INDUSTRIAL TEMPORARY HOME AND THE APPLETON TEMPORARY HOME.

Chap. 146

Be it enacted, etc., as follows:

SECTION 1. The Boston Industrial Temporary Home, and the Appleton Temporary Home, corporations situated in the city of Boston, are authorized to unite and form a single corporation under the name of the Boston Industrial Home; and the consolidated corporation shall have the powers, privileges, duties and liabilities of each of the original corporations, and shall further have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in chapters one hundred and five, one hundred and six and one hundred and fifteen of the Public Statutes, and acts in amendment thereof, so far as the same may be applicable to such corporation.

Corporations may unite under name of the Boston Industrial Home.

Powers and duties.

SECTION 2. All gifts, grants, bequests and devises heretofore or hereafter made to the Boston Industrial Temporary Home, or the Appleton Temporary Home, and all property of either of said corporations shall, if said corporations unite in accordance with the provisions of this act, vest in said consolidated corporation.

Property to be vested in consolidated corporation.

SECTION 3. Said Boston Industrial Temporary Home and said Appleton Temporary Home may accept the provisions of this act at any time within one year from its passage. And upon presentation of proper evidence of such acceptance to the commissioner of corporations, he shall issue his certificate that such union is effected, and such union shall take effect on the day of the date of said certificate.

Certificate to be issued upon acceptance of this act.

First meeting,
etc.

SECTION 4. The first meeting of the consolidated corporation shall be held on the second Friday after the date of said certificate, at a place and time to be fixed by both of said corporations at the meeting at which this act is accepted. The consolidated corporation at its first meeting may adopt new by-laws and elect new officers.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.147 AN ACT RELATING TO THE TIME OF MARKING SHADE TREES FOR THEIR PRESERVATION.

Be it enacted, etc., as follows :

Renewal of
marks upon
shade trees for
preservation.

SECTION 1. The officials charged with the duty of marking ornamental and shade trees, for their preservation, within the limits of highways, under the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred and ninety, may make and renew such marks at such seasons of the year as they deem proper.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.148 AN ACT IN REFERENCE TO THE RETURN DAYS OF WRITS ISSUED BY TRIAL JUSTICES AND DISTRICT, POLICE AND MUNICIPAL COURTS.

Be it enacted, etc., as follows :

Writs to be
returnable not
more than sixty
days from date.

SECTION 1. No original writ issued by a trial justice, or by a district, police or municipal court, shall be returnable more than sixty days from the date thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap.149 AN ACT RELATING TO THE PUBLIC CEMETERIES IN THE CITY OF WOBURN.

Be it enacted, etc., as follows :

1884, 100, § 3,
amended.

SECTION 1. Section three of chapter one hundred and nine of the acts of the year eighteen hundred and eighty-four is hereby amended by inserting after the word "executed", in the third line thereof, the words:—by the treasurer of Woburn,—also by inserting after the word "structures", in the sixth line thereof, the words:—in said Woburn cemetery and public burial grounds,—also by striking out the word "may", in the ninth line, and inserting in place thereof the word:—shall,—and by

striking out the words “ said board of commissioners ”, in the tenth line, and inserting in place thereof the words : — said treasurer, — so as to read as follows : — *Section 3.* Said board of commissioners shall have authority to grant and convey to any person, by deed or suitable conveyance made and executed by the treasurer of Woburn in such manner and form as they may prescribe, the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments or structures in said Woburn cemetery and public burial grounds, upon such terms and conditions as they shall by rules and regulations prescribe ; and all such deeds and conveyances, and all thereafter made of the same by the owners thereof shall be recorded by said treasurer in suitable books of record, which said books shall be open to the public at all proper times.

May convey by deed right of burial, etc.

SECTION 2. Section five of said chapter is hereby amended by striking out the words “ Said board of commissioners are ”, in the first line, and inserting in place thereof the words : — The city of Woburn by its treasurer is, — and by striking out the words “ themselves and their successors ”, in the fourteenth line, and inserting in place thereof the words : — the city of Woburn, — so as to read as follows : — *Section 5.* The city of Woburn by its treasurer is authorized to take and hold any appropriation, grant, donation, gift or bequest heretofore made or hereafter to be made upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the erection, repair or renewal of any monument, cenotaph, tablet, fence or other structure therein, or for the care, improvement or embellishment of any lot or its appurtenances in any manner or form consistent with the purposes for which said cemetery is established, according to the terms of such appropriation, grant, donation, gift or bequest, or upon such terms and conditions as said board may establish, and may by an agreement or obligation bind the city of Woburn so to apply the same.

1894, 109, § 5, amended.

May hold appropriations, bequests, etc.

SECTION 3. Section six of said chapter is hereby amended by striking out the word “ town ”, in the first and eighth lines, and inserting in place thereof the word : — city, — also by striking out the words “ board of commissioners ”, in the third and fourth lines, and inserting in place thereof the word : — treasurer, — also by striking out the words “ the town treasurer of said Woburn ”, in the fourth and fifth lines, and inserting in place thereof the

1894, 109, § 6, amended.

word :—him,—and by striking out the words “ said board of commissioners and town treasurer shall be responsible to said town of Woburn for the faithful performance of their respective duties under the provisions of this act ”, in the thirteenth, fourteenth, fifteenth and sixteenth lines, and inserting in place thereof the words :— The bond of the treasurer of Woburn shall apply to and include duties performed under this act, —so as to read as follows :—

Funds to be invested by treasurer under direction of the commissioners.

Section 6. All funds now in the treasury of said city of Woburn, belonging to the account of said cemetery and any and all sums of money so received by said treasurer, shall be invested by him under the direction of said board of commissioners, and all the same and all property so received shall ever be kept separate from any other moneys or property belonging to said city, and the income of the same shall be received by its treasurer, be subject to the order of said board of commissioners, and be appropriated by them in such manner as shall in their opinion best promote the purposes for which said appropriation, grant, donation, gift or bequest was or is made. The bond of the treasurer of Woburn shall apply to and include duties performed under this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1892.

Chap. 150 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO BORROW MONEY FOR PARK PURPOSES BEYOND THE LIMIT FIXED BY LAW.

Be it enacted, etc., as follows :

New Bedford
Park Loan.

SECTION 1. For the purpose of paying for lands heretofore acquired or which may hereafter be acquired by the city of New Bedford for public parks, and for defraying the cost and expenses of constructing said parks, the city council of said city may, by votes passed from time to time in the manner provided by section seven of chapter twenty-nine of the Public Statutes, authorize its treasurer to issue negotiable bonds or certificates of indebtedness to be denominated on the face thereof, New Bedford Park Loan, to an amount not exceeding one hundred thousand dollars, payable in periods not exceeding fifty years from date and bearing interest at a rate not exceeding four per cent. per annum.

Treasurer to
sell bonds, etc.

SECTION 2. Said treasurer shall sell said bonds or certificates, or any part thereof, from time to time, and retain the proceeds thereof in the treasury of said city and pay

therefrom the expenses incurred for the purposes aforesaid.

SECTION 3. The debt and loans authorized by this act shall not be included within the limit fixed by section two of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five.

Loan not to be included within the prescribed debt limit.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1892.

AN ACT TO INCORPORATE THE PLYMOUTH COUNTY RAILROAD COMPANY. Chap. 151

Be it enacted, etc., as follows :

SECTION 1. Henry Norwell, Ebenezer T. Fogg, John F. Simmons, Charles H. Killam, Jedediah Dwelley, Alpheus Thomas, Seth Sprague, Charles S. Cushing, their associates and successors, are hereby made a corporation by the name of the Plymouth County Railroad Company ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general railroad laws which are now or may hereafter be in force relating to railroad corporations, except as hereinafter provided.

Plymouth County Railroad Company incorporated.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some suitable point on the Old Colony railroad at or near the village of East Weymouth, in the town of Weymouth, and running thence through said Weymouth by the most feasible route to a point in Hingham ; thence through said Hingham in a general southerly direction by the most feasible route to a point near Queen Anne's Corner, in the town of Norwell ; thence through said Norwell, Hanover and Marshfield to a terminus near Brant Rock, in the town of Marshfield. Again beginning at a point on the Hanover branch railroad in the town of Hanover aforesaid, and near Curtis' crossing, so-called, and running thence by the most feasible route through said Hanover, Pembroke, and to a point on said first described route in said town of Marshfield ; and to transport and carry persons and property, by steam, mechanical or any other power that said corporation may choose to apply.

Location and construction.

SECTION 3. The capital stock of said corporation shall be two hundred and fifty thousand dollars, with the privi-

Capital stock and shares.

lege of increasing the same at the pleasure of the corporation, and by a vote of the directors thereof, to any amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each.

First meeting may be called when \$50,000 has been subscribed, etc.

SECTION 4. The persons named in the first section of this act, or a majority of them, are hereby authorized to call the first meeting of the stockholders of the corporation whenever the sum of fifty thousand dollars has been subscribed to the capital stock, to choose directors and to perfect the organization of said corporation; and whenever said corporation shall have been so organized, and at least ten per cent. of the capital stock subscribed has been paid in, it may proceed to begin the construction of the railroad hereinbefore specified.

Towns may take shares or purchase bonds.

Proviso.

SECTION 5. Any town within whose limits the road of said corporation shall be located may subscribe for shares in the capital stock of said corporation, or may purchase its bonds, without the restrictions contained in the statutes of this Commonwealth: *provided*, that said subscription shall be void unless at least twenty per cent. of the capital stock of the corporation is actually paid in cash, and at least ten per cent. of the capital stock is actually expended by it in the construction or equipment of its road.

Corporation may make contracts with any other railroad company.

SECTION 6. Said corporation may make any lawful contract with any other railroad company in relation to its business or property, and may take a lease of the property and franchise, or lease its property or franchise to, or make joint stock or consolidate with, any such railroad company; and any company may make with said company the contracts aforesaid.

May borrow money and issue bonds for payment, etc.

SECTION 7. Said corporation may borrow money for any lawful purpose, and may, by vote at a meeting duly called for the purpose, issue coupon or registered bonds for the payment of money borrowed, and may mortgage or pledge as security for the payment of said bonds a part or all of its railroad equipment or franchise, and a part or all of its property, real or personal. Such bonds may be issued to an amount not to exceed at any time the sum of twenty thousand dollars per mile actually constructed and ready for operation. And in all other respects other than as herein specified such bonds shall conform and be subject to, and said company shall issue the same in conformity with, all laws authorizing and regulating the issue of bonds by railroad companies.

SECTION 8. The Plymouth County Railroad Company shall locate its road within three years, and the same shall be constructed within five years from the date of the passage of this act.

To be located within three years and to be constructed within five years.

SECTION 9. The tracks of said railroad company shall in no case cross any public highway at grade, but shall in all cases cross said public highway above or below the grade thereof.

To cross public highways above or below grade of tracks.

SECTION 10. The said company shall not sell or assign its charter or the rights and privileges herein granted except as hereinbefore set forth.

Not to sell charter, etc., except, etc.

SECTION 11. This act shall take effect upon its passage.

Approved April 6, 1892.

AN ACT REGULATING THE USE OF EMBALMING FLUID IN CASES WHERE PERSONS ARE SUPPOSED TO HAVE COME TO THEIR DEATH BY VIOLENCE.

Chap.152

Be it enacted, etc., as follows:

No embalming fluid, or any substitute therefor, shall be injected into the dead body of any person who is supposed to have come to his death by violence, until a permit therefor in writing, signed by the medical examiner, has been first obtained.

Use of embalming fluid regulated.

Approved April 11, 1892.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO BORROW MONEY IN EXCESS OF THE LIMIT ALLOWED BY LAW, FOR PAVING SOMERVILLE AND WEBSTER AVENUES.

Chap.153

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville, for the purpose of grading and paving Somerville avenue and Webster avenue in said city, or such parts thereof as the city council from time to time may deem advisable, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and may from time to time, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, issue and sell negotiable notes, bonds or scrip therefor, signed by its treasurer and countersigned by its mayor, payable in periods not exceeding twenty years from the date of issue and bearing interest at a rate not exceeding four per centum per annum.

May borrow money for paving Somerville and Webster avenues.

SECTION 2. The debt and loan authorized by this act, and the notes, bonds or scrip issued therefor, shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of section

Loan not to be included within the debt limit fixed by law.

four of chapter twenty-nine of the Public Statutes, and acts in amendment thereof or supplementary thereto.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1892.

Chap.154 AN ACT TO INCORPORATE THE EVERGREEN CEMETERY ASSOCIATION OF STOUGHTON.

Be it enacted, etc., as follows:

Evergreen
Cemetery
Association
incorporated.

SECTION 1. Newton Talbot, Elisha C. Monk, Albert W. Holmes, Charles Tenney, George W. Dutton, Kilburn R. Clifford, Alonzo A. Lamb, Eliot A. Curtis, Samuel Paul, James Hill, Amanda M. Drake, Jesse Holmes, Oscar A. Marden, George Wales, Albert N. Clapp, Moses Linfield, William H. Southworth, Nathaniel Wales, Charles R. Seaver, John Pye, Lemuel Gay, Eben R. Faxon, Henry E. Wilkins, Charles Pye, Emily E. Branigan, Hiram Parker, Luther Clark, Oscar L. Linfield, Henry C. Kimball, Sarah T. Graham, Alfred Upham, Esther T. Johnson, George A. Wales, Charles Goldthwait, Horace W. Lowe, Richard B. Ward, Joshua W. Reynolds, Robert S. Sumner, David Forsaith, Edwin A. Jones, Isaac V. Marston, James Cornish, Mary E. Mead, Henry W. Britton, Joshua Britton, Isaac Capen, Abby M. Holmes, Nathan W. Morton, Arabella F. Capen, Nathaniel M. Warren, Levi K. Drake, Hannah H. Tower, William H. White, Jr., Wilmot F. Fisher, John Soule, Daniel W. Hansell, Laura A. Upham, George H. Goward, Eliphalet H. Elmes, Newell S. Atwood, Walter R. Swan, Francis Carr, Charles Jones, Charles A. Stevens, Robert Burnham, Clarence Mead, Charles H. Drake, Edward E. Curtis, Joseph H. Curtis, John H. Curtis, Eliphalet Gay, George H. Curtis, Samuel W. Curtis, Amelia M. Clifton and Mary E. Phinney, their associates and successors, are hereby made a corporation by the name of the Evergreen Cemetery Association, for the purpose of acquiring, holding, caring for, improving, managing and perpetuating a place for the burial of the dead in the town of Stoughton; with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations, except as otherwise herein provided.

Powers and
duties.

May take pos-
session, etc., of
the Evergreen
cemetery, in
Stoughton.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of the burying ground situated in Stoughton, known as the Evergreen

cemetery, and may acquire by gift, bequest, devise or purchase, so much other real estate and personal property as may be necessary for the objects connected with and appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of the present proprietors of lots in said cemetery procured for burial purposes. Provided.

SECTION 3. Any person now owning a lot in said Evergreen cemetery may participate in the organization of this corporation, and after the organization thereof any person who shall become proprietor of a lot in any lands acquired by said corporation, and any person who is or may become proprietor of a lot, whether by deed or otherwise, in the real estate described in section two of this act, at such time as the same is taken by said corporation, shall be and become members of said corporation upon applying to the trustees hereinafter mentioned and receiving from the corporation a deed of ownership of such lot; and whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof. Members of corporation.

SECTION 4. Said corporation shall, within sixty days after taking the burial ground in Stoughton, known as Evergreen cemetery, which taking may be by vote passed at its meeting for organization or at any special meeting thereafter called and held for that purpose, file and cause to be recorded in the registry of deeds of Norfolk county a description of said land sufficiently accurate for identification. To file, within sixty days, in the registry of deeds a description of the land taken.

SECTION 5. All the net proceeds of sales of lots in the lands held by said corporation shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery and the incidental expenses thereof, and to no other purpose. Application of net proceeds of sales of lots.

SECTION 6. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property, upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other structure, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said corporation is established, according to the May hold donation, etc., upon trust, for improvement, etc., of cemetery.

May provide
for perpetual
care of lots, etc.

terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the structures thereon, the said corporation may give to such proprietor or his representatives an agreement or obligation in such form and upon such conditions as it may establish, binding said corporation and its successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.

Officers of the
corporation.

SECTION 7. The officers of said corporation shall consist of ten trustees, a treasurer and a clerk, who shall be elected at the annual meeting of said corporation, a president to be elected annually by the trustees from their number, and such subordinate officers as may be provided for by the by-laws. Said treasurer and clerk shall each be elected for one year and until his successor is elected and qualified. Said trustees shall be elected two each year for the term of five years: *provided, however*, that at the first election two trustees shall be elected for one year, two for two years, two for three years, two for four years and two for five years. Said trustees shall have the general management, care and superintendence of the property, expenditures, business and affairs of said corporation, and of the sale of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bonds as the trustees direct. In case of a vacancy in said board of trustees, or in the office of treasurer or clerk, by death, resignation, removal or otherwise, such vacancy may be filled for the unexpired term at any annual or special meeting of the corporation.

Corporation to
pay damages
sustained.

SECTION 8. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land or other property, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or other

property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of one year.

SECTION 9. This act shall take effect upon its passage.

Approved April 13, 1892.

AN ACT TO AUTHORIZE THE CITY OF MALDEN TO INCUR A DEBT Chap. 155
FOR PARK PURPOSES BEYOND THE LIMIT FIXED BY LAW.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying for lands heretofore acquired or which may hereafter be acquired by the city of Malden for public parks, and for defraying the cost and expenses of constructing said parks, said city may by votes passed from time to time in the manner provided by section seven of chapter twenty-nine of the Public Statutes, authorize the issue of negotiable bonds or certificates of indebtedness to an amount not exceeding one hundred thousand dollars, payable in not exceeding fifty years from their date and bearing interest at a rate not exceeding four per cent. per annum, to be denominated on the face thereof, Public Park Loan.

May issue bonds, etc., not exceeding \$100,000.

SECTION 2. When authorized by said city as hereinbefore provided, and on the request of the board of park commissioners approved by the mayor, said bonds or certificates, to the amount requested, may be issued or sold and the proceeds thereof retained in the treasury of said city, and the cost and expenses incurred for the purposes aforesaid may be paid therefrom, subject to the provisions of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two, authorizing and regulating such expenditures.

Bonds may be sold, and cost and expenses may be paid from proceeds.

SECTION 3. The debt and loan authorized by this act shall not be reckoned in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes, as amended by section two of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five.

Debt not to be reckoned in determining authorized limit of indebtedness.

SECTION 4. The board of park commissioners may assess upon any real estate which, in the opinion of said board, receives any benefit or advantage from the laying out of a public park or parks, beyond the general advantages therefrom to all real estate in said city, one half the

Commissioners may assess real estate for betterments.

amount of betterments accruing to said real estate by the laying out of said public park or parks. Said real estate subject to such assessment may include the remainder of the land of which a part is taken for said public park or parks, and real estate which does not abut upon the park, from the laying out of which the betterments accrue, or upon a street or way bounded upon such park. Said board in assessing such betterments and determining the amount thereof shall have the same authority that is conferred by chapter fifty-one of the Public Statutes upon boards of city or town officials, authorized to lay out streets or ways, to assess betterments, and the provisions of the first eight sections of said chapter shall apply to such assessments by said board of park commissioners in respect to the location and laying out of parks.

Sinking fund to be established, etc.

SECTION 5. The city shall, on issuing any of said bonds or certificates of indebtedness, establish a sinking fund and apportion thereto from year to year an amount sufficient with its accumulations to extinguish the debt at maturity. In such apportionment to said sinking fund, one two hundredth part of the amount of bonds or certificates of indebtedness issued shall be set apart for said sinking fund in each of the first ten years; one one hundred and fiftieth part in each of the second ten years; one one hundredth part in each of the third ten years; one seventy-fifth part in each of the fourth ten years; and the remainder shall be equally divided in the last ten years. Such sinking fund and its accumulations shall be used for no other purpose than the payment and redemption of such debt. Any premium realized in the sale of said bonds or certificates of indebtedness shall be applied to the payment of the interest on said loan as it accrues.

Subject to acceptance by a majority vote.

SECTION 6. This act shall be submitted to the qualified voters of the city of Malden for acceptance at the next annual municipal election held therein, and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance.

When to take effect.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted by the voters of said city as herein provided. *Approved April 13, 1892.*

AN ACT AUTHORIZING THE BOSTON AND REVERE ELECTRIC STREET RAILWAY COMPANY TO CONSTRUCT TRACKS UPON LOCATIONS GRANTED BY THE SELECTMEN OF WINTHROP. *Chap.156*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter fifty-one of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and sixty-three of the acts of the same year, is hereby amended by inserting after the word " necessary ", in the fourth line of said section, the words : — in the town of Winthrop, upon the locations which have been or may be granted by the selectmen of the town of Winthrop, also, — so as to read as follows : — *Section 1.* The Boston and Revere Electric Street Railway Company is hereby authorized to construct, maintain and operate a railway with single or double tracks, in such manner as may be convenient and necessary, in the town of Winthrop, upon the locations which have been or may be granted by the selectmen of the town of Winthrop, also from the northerly terminus of Walley street at Orient Heights in the city of Boston, to a connection with Ocean avenue near Crescent Beach in the town of Revere, and crossing Winthrop avenue near Beachmont in said town of Revere, upon and over the private way known as Washburn avenue, laid out nearly parallel with and about one hundred feet westerly from the westerly line of the location of the Boston, Revere Beach and Lynn Railroad : *provided*, said company shall procure the consent of the owners of the land included within the limits of said private way so to do.

1889, 51, § 1; 363 amended.

May construct tracks upon locations granted by the selectmen of Winthrop, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

AN ACT TO AUTHORIZE DIVISION NUMBER NINETEEN, ANCIENT ORDER OF HIBERNIANS, OF NORTHBRIDGE, TO HOLD REAL AND PERSONAL ESTATE AND MORTGAGE THE SAME. *Chap.157*

Be it enacted, etc., as follows :

Division Number Nineteen, Ancient Order of Hibernians, of the town of Northbridge, incorporated under the laws of the Commonwealth, is hereby authorized to hold real and personal estate to an amount not exceeding twenty-five thousand dollars, and mortgage the same to secure indebtedness to be incurred in the erection of a building to be used in part for a hall or place of meeting for said corporation.

May hold real and personal estate and mortgage the same.

Approved April 13, 1892.

Chap.158 AN ACT TO AUTHORIZE THE TOWN OF READING TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

May make an
additional water
loan.

SECTION 1. The town of Reading, for the purposes mentioned in section six of chapter four hundred and five of the acts of the year eighteen hundred and eighty-nine, may issue bonds, notes or scrip, to be denominated on the face thereof, Reading Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes ; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Reading water loan by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore authorized to be issued by said town for the same purposes, shall not in any event exceed the amount of two hundred thousand dollars.

Whole amount
of bonds, etc.,
not to exceed
\$200,000.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

Chap.159 AN ACT AUTHORIZING CERTAIN BOARDS AND COMMISSIONS TO
CONSULT AND ADVISE WITH THE ATTORNEY-GENERAL ON QUES-
TIONS OF LAW RELATING TO THEIR OFFICIAL BUSINESS.

Be it enacted, etc., as follows :

P. S. 17, § 8,
amended.

Section eight of chapter seventeen of the Public Statutes is hereby amended by striking out all after the word "commissioner", in the second line thereof, and inserting in place thereof the following words :—the board of harbor and land commissioners, the board of lunacy and charity, the board of health, the civil service commissioners, the commissioner of corporations, the commissioner of foreign mortgage corporations, the gas and electric light commissioners, or by the commissioners of savings banks, consult and advise with them respectively on questions of law relating to their official business,—so as to read as follows :—*Section 8.* He shall, when required by the secretary, treasurer, adjutant general, auditor, insurance commissioner, the board of harbor and land commissioners, the board of lunacy and charity, the board of health, the civil service commissioners, the commissioner of corporations, the commissioner of foreign mortgage

The attorney-
general to con-
sult and advise
with certain
officers, boards,
etc., on ques-
tions of law re-
lating to their
official business.

corporations, the gas and electric light commissioners, or by the commissioners of savings banks, consult and advise with them respectively on questions of law relating to their official business.

Approved April 13, 1892.

AN ACT GIVING TRIAL JUSTICES JURISDICTION OF CASES OF DRUNKENNESS. Chap.160

Be it enacted, etc., as follows:

Trial justices shall, in their respective counties, have jurisdiction, concurrent with the superior court, of all cases arising under chapter four hundred and twenty-seven of the acts of the year eighteen hundred and ninety-one, and may impose the penalties therein provided for the offence of drunkenness.

Jurisdiction of trial justices, 1891, 427.

Approved April 13, 1892.

AN ACT TO AUTHORIZE THE TOWN OF ABINGTON TO ISSUE BONDS FOR THE PURPOSE OF MEETING A PORTION OF ITS WATER DEBT AS THE SAME MATURES. Chap.161

Be it enacted, etc., as follows:

SECTION 1. For the purpose of retiring a portion of its water bonds becoming due each year, from the year eighteen hundred and ninety-three to the year nineteen hundred and sixteen, inclusive, the town of Abington may issue from time to time in any or all of said years, bonds, notes or scrip to an amount not exceeding three thousand dollars in any one year. Such bonds, notes or scrip shall be issued under the terms and conditions specified in sections five and six of chapter two hundred and six of the acts of the year eighteen hundred and eighty-five, and shall be used exclusively for the purpose of retiring water bonds of said town which are now outstanding.

May issue bonds, etc., for purpose of retiring water bonds.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

AN ACT TO RATIFY THE PROCEEDINGS OF THE WEST CONGREGATIONAL SOCIETY OF WARREN. Chap.162

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the West Congregational Society of Warren and the election of its officers, so far as the same appears upon the records of said society, are hereby ratified and declared valid.

Proceedings ratified.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

Chap.163 AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF NORTH ATTLEBOROUGH TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

North Attle-
borough Fire
District Water
Loan.

SECTION 1. Fire District Number One of North Attleborough, for the purpose mentioned in section eleven of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-three, may issue bonds, notes or scrip, to be denominated on the face thereof, North Attleborough Fire District Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said district for the same purposes ; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the North Attleborough Fire District water loan by said fire district : *provided*, that the whole amount of such bonds, notes or scrip issued by said fire district for the same purposes shall not in any event exceed the amount of one hundred and seventy-five thousand dollars.

Proviso.

1883, 181, § 12,
amended.

To raise an-
nually by taxa-
tion sufficient,
with income,
to pay current
expenses and
interest, etc.

SECTION 2. Section twelve of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-three is hereby amended by striking out all of said section after the word "act", in the eighth line thereof, so as to read as follows :— *Section 12.* The said fire district shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1892.

Chap.164 AN ACT TO PROVIDE FOR THE ABOLITION OF THE GRADE CROSSING AT ST. MARY'S STREET IN BROOKLINE ON THE BOSTON AND ALBANY RAILROAD.

Be it enacted, etc., as follows :

Abolition of
grade crossing
in Brookline
provided for.

SECTION 1. The superior court and any commission appointed thereby, in proceedings already taken or which may hereafter be taken for the discontinuance of the crossing at grade of St. Mary's street in Brookline and the

main line of the Boston and Albany railroad, are authorized to discontinue, under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and acts in amendment thereof, the said crossing, by prescribing the manner and limits within which a new street or streets shall be constructed, and a bridge at or within seven hundred feet easterly from the present location of said grade crossing shall be made over said railroad, with like proceedings and with like apportionment of cost and expenses, and like ascertainment and payment of damages, as if said St. Mary's street was a public way in the town of Brookline, and as if said new street or streets and said bridge were in the town of Brookline. Said bridge and its approaches shall after its completion be maintained as provided in section six of the said chapter.

SECTION 2. Any owner of private rights of way over said railroad at St. Mary's street, whose private rights of way are injured or destroyed by any discontinuance of said crossing as hereinbefore provided, may recover damages therefor in the manner damages may be recovered under said chapter and acts in amendment thereof.

Recovery of damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1892.

AN ACT RELATIVE TO THE RIGHT TO THE CARE AND CONTROL OF
LOTS AND TOMBS IN PUBLIC CEMETERIES IN TOWNS. *Chap. 165*

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter three hundred and two of the acts of the year eighteen hundred and eighty-five, relative to lots in cemeteries, shall apply to all lots and tombs in public cemeteries in towns, and the boards of health in towns shall exercise, in regard to such lots and tombs, the powers granted by said chapter to trustees or directors of cemetery corporations, and the designation in writing shall be given to the town clerk.

Powers of boards of health regarding public cemeteries in towns, 1885, 302.

SECTION 2. The board of health, before exercising the power granted by this act with respect to a lot or tomb, shall give notice of a hearing in the manner provided in section twenty of chapter eighty-two of the Public Statutes, and shall hear any of the parties entitled to the control of such lot or tomb, who may appear at the time and place notified, before deciding who shall represent said lot or tomb.

Notice to be given of hearings, P. S. 82, § 20.

Approved April 13, 1892.

Chap.166 AN ACT AUTHORIZING CITIES AND TOWNS TO APPROPRIATE MONEY FOR ANNIVERSARY CELEBRATIONS.

Be it enacted, etc., as follows :

Towns, etc., may appropriate money for anniversary celebrations.

SECTION 1. Any city or town may raise, by taxation, such amount of money as may be authorized by a vote of two thirds of the voters present and voting at a town meeting, or of two thirds of the members of each branch of the city council, taken by yeas and nays and approved by the mayor, for the purpose of celebrating the anniversary of its settlement, or of its incorporation as a town, or as a city, at the end of a period of fifty or of any multiple of fifty years from such settlement or incorporation, and of publishing an account of the proceedings of any such celebration.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

Chap.167 AN ACT RELATIVE TO THE ENTRY AND DRIVING OF HORSES AT PLACES WHERE PURSES OR PREMIUMS ARE COMPETED FOR.

Be it enacted, etc., as follows :

Horses driven for a premium or purse not to be disguised, etc.

Whoever, for the purpose of competing for a purse or premium offered by any agricultural society, or by any person or association in this state, knowingly and designedly enters or drives any horse that is painted or disguised, or that is a different horse from the one which is purported to be entered or driven, or knowingly and designedly, for the purpose of competing for a premium or purse, enters or drives a horse in a class to which it does not belong, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months.

Approved April 13, 1892.

Chap.168 AN ACT RELATING TO THE SERVICE OF PROCESS IN THE COLLECTION OF TAXES.

Be it enacted, etc., as follows :

Service of process in the collection of taxes.

SECTION 1. Any notice, summons, demand or other paper which the collector of taxes is by law required to serve, may be served by leaving the same at the last and usual place of abode, or of business, of the person assessed, or by sending the same through the mail, post-paid and directed to the person assessed, at the city or town in which such person was registered as a voter for

the last preceding state election. The affidavit of a collector or deputy collector, kept on file in the office of the collector of taxes, that he has served such notice, summons, demand or other paper in the manner described in such affidavit, shall be prima facie evidence that it was so served.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

**AN ACT RELATIVE TO THE JURISDICTION OF THE SUPREME JUDICIAL
AND SUPERIOR COURTS IN REAL ACTIONS.** *Chap.169*

Be it enacted, etc., as follows:

SECTION 1. The supreme judicial court shall no longer have original jurisdiction of petitions for partition, of writs of entry for the foreclosure of mortgages, or of other real actions. Original jurisdiction of petitions for partition.

SECTION 2. The right to remove actions and petitions for partition from the superior court to the supreme judicial court, now existing by virtue of sections seven and eight of chapter one hundred and fifty-two and section thirteen of chapter one hundred and seventy-eight of the Public Statutes, is hereby taken away, and the superior court shall retain jurisdiction of all such cases. Superior court to retain jurisdiction.

SECTION 3. Nothing herein contained shall affect the jurisdiction of the supreme judicial court over actions and proceedings pending in that court at the time when this act takes effect. Pending actions not to be affected.

Approved April 13, 1892.

AN ACT TO INCORPORATE THE NATHAN SLADE CEMETERY ASSOCIATION. *Chap.170*

Be it enacted, etc., as follows:

SECTION 1. William L. Slade, Jonathan Slade, John P. Slade, Daniel Chace, Darius Buffinton, Edward S. Anthony, George Read, Rowland G. Buffinton, Nathan Slade, Perry Slade, Francis J. Slade, Harlan P. Wyman and John W. Earle, their associates and successors, are hereby made a corporation by the name of the Nathan Slade Cemetery Association, for the purpose of holding, acquiring, controlling, caring for and improving ground set apart and known as Nathan Slade cemetery, situate and lying within one enclosure in the town of Somerset; and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and

Nathan Slade Cemetery Association incorporated.

liabilities contained in all general laws now existing or which may hereafter be in force relating to such corporations.

Corporation may assume control of the Nathan Slade cemetery in Somerset, etc.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of said cemetery whenever the same shall have been duly conveyed to it by the persons holding legal title to the same. And said corporation shall hold the land of, and all other property, rights, and things appertaining to, the cemetery enclosure aforesaid, for the same uses and purposes for which they are now held; and all rights which any persons have acquired in said cemetery shall remain valid to the same extent as if this act had not been passed.

Proprietors of lots to be members of the corporation.

SECTION 3. Any person who now is or may hereafter become a proprietor of a lot, by deed or otherwise, in the land mentioned in section one of this act, or in land hereafter acquired by said corporation, shall become a member of said corporation; and when any person shall cease to be a proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

May acquire and hold additional real and personal property, etc.

SECTION 4. Said corporation may acquire by purchase, gift or devise, and hold in fee additional land to the extent of twenty acres, for the purposes of enlarging said cemetery from time to time, and may hold such personal property as may be necessary for the purposes of the corporation; and said corporation is hereby authorized to take and hold any grant, donation or bequest of property upon trust, and to apply the same or its income to the improvement and beautifying of said cemetery, or for the construction, repair, preservation or renewal of any monument, fence or other structure, in the planting and cultivation of trees, shrubs or plants in or around any lot, or the improving of said premises in any other manner or form consistent with the purposes for which said cemetery is established, and in accordance with the terms of said grant, donation or bequest.

Officers of the corporation.

SECTION 5. The officers of said corporation shall consist of a board of five trustees, a clerk, a treasurer, and such other officers as its by-laws may prescribe. Said officers may hold office for such term and be elected in such manner as may be required by the by-laws of the corporation.

SECTION 6. This act shall take effect upon its passage.

Approved April 13, 1892.

AN ACT TO REQUIRE RAILROAD COMPANIES TO MAINTAIN CROSSINGS TO GIVE ACCESS TO LANDS CUT OFF BY RAILROADS. *Chap. 171*

Be it enacted, etc., as follows :

SECTION 1. When any person or corporation is cut off from access to lands owned by such person or corporation by the laying out of a railroad or the widening of the roadbed of such railroad, and when no compensation has been paid by the company owning or operating said railroad for cutting off access to said lands, or agreement made relative thereto, the railroad commissioners after due notice to the parties in interest and a hearing, under such rules as they shall adopt for proceedings under this act, shall, if they deem expedient, order a crossing to be made and maintained at the expense of the railroad company ; and shall specify definitely the character of such crossing and when the same may be used.

Railroad companies may be required to maintain crossings to give access to lands cut off by railroads.

SECTION 2. If any railroad company neglects to comply with an order of the railroad commissioners made under this act, for more than ninety days after the date of such order, such company shall forfeit five dollars a day for each day's neglect after the expiration of said ninety days. Said forfeiture may be recovered by any person or corporation aggrieved, in an action of tort brought in any police, district or municipal court, or in the superior court sitting for the county within which the crossing was ordered to be maintained. One half of the amount recovered shall be paid to the person or corporation instituting the suit and the other half to the county.

Penalty for neglect to comply with order of railroad commissioners.

SECTION 3. This act shall not apply to street railways.

Approved April 13, 1892.

AN ACT TO AUTHORIZE THE BENEVOLENT FRATERNITY OF CHURCHES IN THE CITY OF BOSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 172*

Be it enacted, etc., as follows :

SECTION 1. The Benevolent Fraternity of Churches in the city of Boston, incorporated by chapter twenty-four of the acts of the year eighteen hundred and thirty-nine, is hereby authorized for the purposes and uses named in said act of incorporation, to take and hold additional real and personal estate to an amount which together with the amount heretofore authorized by law shall not exceed five

May hold additional real and personal estate.

hundred thousand dollars, exclusive of the chapels belonging to it and the land on which they stand.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

Chap.173 AN ACT TO RATIFY A VOTE OF THE TOWN OF STONEHAM APPROPRIATING MONEY FOR A CELEBRATION.

Vote of the town of Stoneham ratified.

Be it enacted, etc., as follows :

SECTION 1. The vote of the town of Stoneham at the annual meeting of said town for the year eighteen hundred and ninety-two, appropriating the sum of three hundred dollars for celebrating the anniversary of the passage of the sixth Massachusetts regiment through Baltimore, said celebration to be held on the eighteenth and nineteenth days of April of the present year, is hereby ratified, confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1892.

Chap.174 AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND EXPENSES OF THE JOINT SPECIAL COMMITTEE ON MUNICIPAL CHARTERS, APPOINTED BY THE LEGISLATURE OF EIGHTEEN HUNDRED AND NINETY-ONE.

Appropriation for compensation, etc., of the committee on municipal charters.

Be it enacted, etc., as follows :

SECTION 1. The sum of sixty-two hundred and fifty dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for compensation and expenses of the joint special committee appointed by the legislature of the year eighteen hundred and ninety-one to sit during the recess, to consider the subject of greater uniformity and system in the provisions of law relative to the several cities of the Commonwealth, and the framing of a general form of municipal charter.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1892.

Chap.175 AN ACT TO EXEMPT THE THOMAS TALBOT MEMORIAL HALL IN BILLERICA FROM TAXATION.

To be exempt from taxation.

Be it enacted, etc., as follows :

SECTION 1. The Thomas Talbot Memorial Hall, and the land connected therewith, in the town of Billerica, the use of which is devoted to public purposes, shall be exempt from taxation.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1892.

AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE IN TIDE WATER BETWEEN THE CITY OF GLOUCESTER AND THE TOWNS OF ESSEX AND IPSWICH. *Chap. 176*

Be it enacted, etc., as follows :

SECTION 1. The boundary line in tide water between the city of Gloucester and the towns of Essex and Ipswich is hereby located and defined as follows : — Beginning at a stone bound near the shore, in the present boundary line of land between the city of Gloucester and the town of Essex, and thence running in a straight line north, twenty-four degrees thirty minutes east, through a copper bolt in Black Rocks, at the southeasterly end of the boundary line between the towns of Ipswich and Essex, out to sea until it comes to the exterior line of the Commonwealth in tide water. All the territory in tide water in said towns and city lying southerly from the above described line shall be and remain in the city of Gloucester, and all the territory lying northerly from said line shall be and remain in the towns of Essex and Ipswich, respectively, according as the boundary line in tide water between said towns shall be established by law.

Boundary line in tide water between city of Gloucester and towns of Essex and Ipswich established.

SECTION 2. The boundary line in tide water between the towns of Essex and Ipswich is hereby established as follows : — Beginning at a copper bolt in the highest point of the main ledge of the Black Rocks, so-called, in the line as hereinbefore defined, dividing the city of Gloucester from said towns, and running from said copper bolt north, forty degrees west, until it comes to the centre of the channel of Castle Neck river on the north side of Choate's (formerly called Hog) island.

Boundary line in tide water between the towns of Ipswich and Essex established.

SECTION 3. This act shall take effect upon its passage.

Approved April 19, 1892.

AN ACT APPROPRIATING TEN THOUSAND DOLLARS ANNUALLY FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION. *Chap. 177*

Be it enacted, etc., as follows :

SECTION 1. Before the first day of July in each year there shall be allowed and paid out of the treasury of the Commonwealth to the treasurer of the Massachusetts State Firemen's Association the sum of ten thousand dollars. Said sum shall be paid from the moneys received for taxes

Annual allowance of \$10,000 to the Massachusetts State Firemen's Association, etc.

from fire insurance companies doing business in this Commonwealth.

Firemen's
Relief Fund of
Massachusetts,
etc.

SECTION 2. The money so paid to said treasurer shall be known and remain as the Firemen's Relief Fund of Massachusetts, and shall be used as a fund for the relief of firemen, whether members of said association or not, who may be injured while responding to, working at or returning from an alarm of fire, and for the relief of the widows and children of such firemen as may be killed in the line of their duty aforesaid, in such manner and in such sums as a board, to consist of five persons, two of whom shall be appointed by the Massachusetts State Firemen's Association and three of whom shall be appointed by the governor, shall determine; the appointees of the governor shall not be members of said association.

Treasurer to
give bond and
report to the
treasurer of the
Commonwealth.

SECTION 3. The treasurer of the Massachusetts State Firemen's Association shall give a bond with good and sufficient sureties to the treasurer of the Commonwealth, in double the sum received by him from said treasurer, for the faithful performance of his duties under this act; and shall make a detailed report under oath to the treasurer of the Commonwealth of expenditures of the appropriation made under this act, on or before the fifteenth day of July in each year.

Firemen, etc.,
eligible for
benefits from
the fund.

SECTION 4. The officers and members in active service of all incorporated protective departments acting in concert with fire departments, also any person doing fire duty at the request, or upon the order of the authorities of any town having no organized fire department, and any person performing the duties of a fireman in a town having no organized fire department, shall be eligible for benefits from this fund.

Unexpended
moneys to be
returned to the
treasurer of the
Commonwealth.

SECTION 5. All unexpended moneys received under this act by the said Massachusetts State Firemen's Association shall be returned to the treasurer of the Commonwealth on or before the fifteenth day of July in each year.

Incidental
expenses, etc.

SECTION 6. Five hundred dollars out of the amount hereby appropriated may be allowed for incidental expenses of the disbursing board, but otherwise no part of said ten thousand dollars shall be expended for salaries or any expenses except as provided in this act.

SECTION 7. This act shall take effect upon its passage.

Approved April 19, 1892.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO INCUR INDEBTED-
NESS FOR THE PURPOSE OF PAYING DAMAGES OCCASIONED BY
THE TAKING OF LAND FOR THE ALTERATION OF GRADE CROSSINGS. *Chap.178*

Be it enacted, etc., as follows:

SECTION 1. Any city or town required to pay primarily any land damages under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, or any proportion of the general expense of altering a crossing under the provisions of said act, may, in the case of a city by vote of the city council, and in the case of a town by ordinary vote at a legal town meeting called for the purpose, incur debts for temporary loans to pay such damages or expense without regard to the general laws in force regulating and limiting municipal indebtedness and the manner and form of voting thereon; and when any money so primarily paid by a city or town is repaid to it said money shall immediately be applied to payment of the loan.

Towns, etc., may incur indebtedness for paying damages for land taken for alteration of grade crossings, 1890, 428.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1892.

AN ACT TO AUTHORIZE THE HOLYHOOD CEMETERY ASSOCIATION
TO TAKE, HOLD, SELL AND CONVEY CERTAIN REAL ESTATE. *Chap.179*

Be it enacted, etc., as follows:

The deed of land to the Holyhood Cemetery Association from Dennis H. Tully, dated April twenty-seventh, eighteen hundred and eighty-two, and recorded with Norfolk registry of deeds, libro five hundred and thirty-six, folio five hundred and fifteen, shall not be deemed invalid because the corporate powers of said Holyhood Cemetery Association did not authorize it to receive or hold said land, and no conveyances of said land which have been made by said Holyhood Cemetery Association shall be deemed invalid because unauthorized by said corporate powers. And the corporate powers of said Holyhood Cemetery Association are hereby so far enlarged as to authorize it to hold and convey said land.

May take, hold, sell and convey certain real estate.

Approved April 20, 1892.

AN ACT PROVIDING FOR THE ASSIGNMENT OF POLICE OFFICERS FOR
SPECIAL SERVICE AT AGRICULTURAL AND HORTICULTURAL EXHIBITIONS. *Chap.180*

Be it enacted, etc., as follows:

On the application of the president of an incorporated agricultural or horticultural society to the proper authori-

Police officers at agricultural exhibitions, etc.

ties of a town or city in which an exhibition of such society is to be held, said town or city authorities shall assign for special service at such exhibition as many police officers or constables as may be necessary to preserve the peace and enforce the laws of the Commonwealth at such exhibition.

Approved April 20, 1892.

Chap. 181 AN ACT TO PROVIDE A BOARD OF TRUSTEES OF TOWN DONATIONS OF THE TOWN OF CONCORD.

Be it enacted, etc., as follows:

Trustees of
town donations
of Concord.

SECTION 1. John S. Keyes, Henry J. Hosmer and Samuel Hoar, all of Concord in the county of Middlesex, shall constitute the trustees of town donations of the town of Concord until others are duly elected in their place. The term of office of said Keyes shall continue until the annual meeting of said town in the year nineteen hundred and one, of said Hosmer until such meeting in the year eighteen hundred and ninety-eight and of said Hoar until such meeting in the year eighteen hundred and ninety-five.

To be elected at
annual meet-
ings.

SECTION 2. At the annual meeting of said town in the year eighteen hundred and ninety-five, and in every third year thereafter, one member of said board of trustees shall be elected by ballot for the term of nine years and until his successor is chosen.

Filling of
vacancies.

SECTION 3. A vacancy in said board shall be created by the death, the removal for cause by the supreme judicial court, the removal of his legal residence from said town, or the resignation in writing delivered to the selectmen, of any member of said board. Vacancies shall be filled by the election by ballot of new members for the remainder of the terms so vacated, at a meeting duly called and under an article in the warrant therefor specially notifying the voters of such vacancy and election.

Property to be
managed and
dispensed by
the trustees.

SECTION 4. Said board shall take, hold, manage and dispense all the estates, real and personal, devised and bequeathed or given to said town of Concord for donations, now held by said Keyes, Hosmer and Hoar as trustees of town donations, and any and all donations for public or charitable objects hereafter made to said town and voted by said town to be so held, managed and dispensed by said board, and also any property conferred upon said board for the benefit of said town or any public or charitable objects therein. Said board may invest and reinvest all estate and

property, real and personal, in such other estates and securities as it may deem safe and proper.

SECTION 5. Said board shall take, hold, manage and dispose of the sinking fund for the payment of the Concord water loan, now held by said Keyes, Hosmer and Hoar as trustees of town donations under and by virtue of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two.

Sinking fund,
Concord water
loan.

SECTION 6. Said board shall take, hold and manage all sums of money deposited with the treasurer of said town for the care and preservation of cemetery lots, under the provisions of chapter eighty-two of the Public Statutes, and may invest the same in the Middlesex Institution for Savings or other savings banks in this Commonwealth, in separate accounts with each deposit, and shall pay over from the income thereof to the proper persons the sums necessary to carry out the purpose of said deposits.

Money depos-
ited for care of
cemetery lots.

SECTION 7. Said board is authorized to receive, hold and manage the Sleepy Hollow cemetery fund in said Concord, a private fund established by individuals for the benefit of said cemetery, whenever authorized thereto by the present trustees of said fund and a majority of the donors thereof, or their legal representatives in writing, and to expend the income of the same according to the provisions of the original gift thereof.

Sleepy Hollow
Cemetery fund.

SECTION 8. Said board shall do all acts necessary or proper to be done for the purpose of carrying into effect the provisions of this act, and shall annually make a full report to said town of the amounts and investments of all said donations and deposits, and of their doings in relation thereto.

To make an-
nual report,
etc.

SECTION 9. Nothing in this act contained shall be construed as restricting, enlarging or in any way changing the terms of said donations.

Terms of dona-
tions un-
changed.

SECTION 10. This act shall take effect upon its acceptance by said town at a legal meeting duly called for that purpose.

Subject to ac-
ceptance by
vote of town.

Approved April 20, 1892.

AN ACT PROVIDING FOR THE APPOINTMENT OF A BOARD OF FIRE COMMISSIONERS FOR THE CITY OF MALDEN, AND DEFINING THEIR POWERS AND DUTIES. Chap. 182

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Malden shall, in the month of January in the year eight-

Board of fire
commissioners
to be appointed.

| | |
|--|---|
| Term of office, etc. | een hundred and ninety-three, appoint three persons to be fire commissioners, one to hold his office for three years, one for two years and one for one year from the first Monday of February succeeding his appointment, and shall thereafter annually in the month of January appoint one person for three years. The commissioners shall hold their office until others shall be chosen and qualified in their stead. Vacancies may be filled by the mayor and aldermen at any time, and removals may be made by them for cause. The persons so appointed shall constitute a board of fire commissioners. Said board shall establish a fire department for said city, to consist of such officers and members as said board shall from time to time determine. Said board shall appoint said officers and members and may remove any officer or member in their discretion. Said board shall fix the time of appointment and term of service of said officers and members, shall define their respective duties, and in general may make such rules and regulations as are or may be authorized by the laws pertaining to fire departments, concerning the conduct of said officers and members and the government of said department, the prevention and management of fires and the conduct of persons attending fires, and may affix penalties for any violation of such rules and regulations, or any of them, not exceeding the amount authorized by law for the breach of rules and regulations pertaining to fire departments. Said board shall have and exercise all other powers which have been conferred by law upon the city council or the mayor and aldermen, or which may hereafter be so conferred, in respect to the powers and duties of fire departments and the rules and regulations pertaining to fire departments. |
| Powers and duties. | |
| Powers and duties of engineers. | The board of fire engineers constituted and appointed by said board of fire commissioners, or the chief or head of the fire department constituted and appointed by said board in case no board of fire engineers shall be constituted by said board, shall have and exercise all the powers and be subject to all the duties which have been conferred or imposed by law upon boards of fire engineers or the chief or head of fire departments, or which may hereafter be so conferred or imposed by law. The engineer of said fire department in command at a fire shall have and exercise all the powers of firewards, including the powers conferred upon firewards by section three of chapter thirty-five of |

the Public Statutes. Said board shall not incur or authorize any expenditures without a previous appropriation therefor by the city council. The compensation of the fire commissioners shall be fixed from time to time by the city council, but the city council may provide that said commissioners shall serve without compensation for such time as they may deem expedient.

Expenditures.

Compensation.

SECTION 2. Section sixteen of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-one is hereby repealed, said repeal to take effect on the first day of March in the year eighteen hundred and ninety-three.

Repeal of 1881, 100, § 16.

SECTION 3. So much of this act as requires the appointment of fire commissioners, and authorizes said board of fire commissioners to provide for the establishment of a fire department, to appoint the officers and members of said fire department and to make rules and regulations, shall take effect on the first Monday of January in the year eighteen hundred and ninety-three, but said board shall not exercise any further powers or be subject to any further duties pertaining to said office, nor shall any officer or member of said department appointed by said board enter upon his duties, until the first day of March in the year eighteen hundred and ninety-three.

When to take effect.

Approved April 20, 1892.

AN ACT TO AUTHORIZE THE TOWN OF ANDOVER TO MAKE AN ADDITIONAL WATER LOAN. Chap. 183

Be it enacted, etc., as follows:

SECTION 1. The town of Andover, for the purposes mentioned in section five of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-seven, may issue bonds, notes or scrip to be denominated on the face thereof, Andover Water Loan, to an amount not exceeding forty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Andover water loan by said town.

May make an additional water loan.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1892.

Chap.184 AN ACT PROVIDING FOR THE PAYMENT BY THE COMMONWEALTH
OF THE BURIAL EXPENSES OF SOLDIERS AND SAILORS DYING IN
STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Burial expenses
of soldiers and
sailors dying in
state institu-
tions, etc.

SECTION 1. When expense is incurred by a city or town, under the provisions of chapter three hundred and ninety-five of the acts of the year eighteen hundred and eighty-nine, for the burial of a soldier, sailor or marine dying in a state institution situated in such city or town, or by the city of Chelsea for the burial of a soldier dying in the soldiers' home in said city, the entire expense so incurred, not exceeding thirty-five dollars in any one case, shall be reimbursed to said city or town from the treasury of the Commonwealth; and returns of such expenditure shall be made to the auditor of the Commonwealth in such manner as he shall prescribe.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1892.

Chap.185 AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY
OF PITTSFIELD.

Be it enacted, etc., as follows:

Additional
water supply
for the city of
Pittsfield.

SECTION 1. The city of Pittsfield is hereby authorized, by and through the agency of its board of public works, to take the waters of Hathaway brook, so-called, in the towns of Dalton and Washington, of Mill brook, so-called, in the towns of Lenox and Washington, and of Sikes brook, so-called, in the city of Pittsfield, and the waters which flow into and from said brooks, and to convey the same to, into and through the city of Pittsfield, for the purpose of furnishing an additional supply of water for the city of Pittsfield, and for public purposes; and for this purpose to take, by purchase or otherwise, any lands on or around said brooks, and any waters and water rights connected therewith, and to build and maintain all necessary dams and reservoirs and lay and maintain all necessary pipes, conduits and ditches, to connect the same with its present water works.

City to pay
damages sus-
tained.

SECTION 2. Said city shall be liable to pay all damages that may be sustained by any person or corporation in property by reason of such taking, and any person or corporation sustaining damages as aforesaid, who fails to agree with the board of public works of said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is

taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property.

SECTION 3. The provisions of section nine of chapter two hundred and ten of the acts of the year eighteen hundred and fifty-two shall, so far as the same are applicable, apply to all water taken and to all structures made, and property acquired or taken by said city under this act; and all the rights, privileges and remedies therein conferred upon the Pittsfield Fire District shall vest in and be exercised and enjoyed by the city of Pittsfield.

Provisions of 1852, 210, § 9, to apply, etc.

SECTION 4. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Pittsfield Water Loan, Act of 1892, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding six per centum per annum. Said city shall provide for the payment upon account of the principal sum incurred for the construction and maintenance of its water works, not less than the sum of four thousand dollars in each and every year next after the first day of April in the year eighteen hundred and ninety-three, in addition to the sums now required to be paid thereon each year by said city by the provisions of section three of chapter three hundred and forty of the acts of the year eighteen hundred and eighty-five, until all of said debt, both principal and interest, is fully paid and extinguished. The said city may authorize temporary loans to be made by its mayor and treasurer in anticipation of the issue of bonds, notes and scrip hereby authorized, or in anticipation of the payments to be made.

Pittsfield Water Loan, Act of 1892.

Additional payments, etc.

Temporary loans.

SECTION 5. This act shall not take effect until accepted by a two thirds vote of all the members of each branch of the city council of said city, taken by yeas and nays and approved by its mayor.

Subject to acceptance by a two thirds vote, etc.

Approved April 20, 1892.

AN ACT TO REGULATE THE TAKING OF EELS AND WHITE PERCH IN THE WATERS OF THE TOWN OF MATTAPOISETT. Chap. 186

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Mattapoisett may grant permits in writing to take eels and white perch

Eel and white perch fisheries regulated.

from the waters within the limits of Barlow's pond and Mattapoisett river, in the town of Mattapoisett, in such quantities, at such time or times within one year from the granting of such permit, and by such methods and under such regulations as may be expressed in their permit. But every inhabitant of either of the towns of Rochester, Marion and Mattapoisett may without such permit take eels and white perch from the waters of said Barlow's pond and Mattapoisett river.

Penalty.

SECTION 2. No person shall take any eels or white perch from the waters of Barlow's pond or Mattapoisett river without a written permit from the selectmen of Mattapoisett, except as provided in the preceding section. Whoever violates the provisions of this act shall be punished by a fine of not less than five dollars nor more than ten dollars for each offence. *Approved April 20, 1892.*

Chap.187 AN ACT TO ESTABLISH THE SALARIES OF THE FIRST AND SECOND ASSISTANT CLERKS OF THE COURTS FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Salaries established.

SECTION 1. The salary of the first assistant clerk of the courts for the county of Middlesex shall be twenty-six hundred dollars a year, and the salary of the second assistant clerk of the courts for said county shall be twenty-five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage. *Approved April 20, 1892.*

Chap.188 AN ACT RELATING TO THE TAKING OF SCALLOPS IN THE WATERS OF THE TOWN OF MARION.

Be it enacted, etc., as follows:

Scallop fishery regulated.

SECTION 1. The selectmen of the town of Marion may grant permits, in writing, to take scallops from the waters within the limits of said town, in such quantities, at such time or times within one year, by such methods and under such regulations, as may be expressed in their permit, and they may charge and receive therefor in behalf of and for the use of said town such sums as they may deem proper. But every inhabitant of said town may without such permit take scallops from the waters of the town for the use of his family, from the first day of October to the first day

of April, not exceeding in any week three bushels, including the shells; and any inhabitant of the Commonwealth may take from the waters of said town scallops for the use of his family, from the first day of October to the first day of April, not exceeding in any week three bushels, including the shells, having first obtained a permit so to do from the selectmen of said town.

SECTION 2. No person shall take any scallops from the waters of said town without a written permit from the selectmen thereof, except as provided in the preceding section. Whosoever violates the provisions of this act shall be punished by a fine of not less than twenty or more than one hundred dollars, or imprisoned in the house of correction not less than thirty days or more than six months, or by both such fine and imprisonment. One half of the fine shall be paid to the complainant and the other half to the county within which the offence was committed. Penalties.

SECTION 3. Nothing in this act shall be construed to affect any acts relating to the oyster fishery, or to impair the private rights of any person, or in any way to limit or affect the provisions of law for the protection of fisheries other than the scallop fishery, or to permit the taking of scallops upon any oyster grounds or beds other than public grounds or beds. Laws relating to oyster fishery not affected, etc.

SECTION 4. All the privileges which the citizens of Rochester and Mattapoisett had before this act takes effect, to take scale and shellfish from the shores or flats within the town of Marion, shall remain the same as if this act had not passed. Privileges of citizens of Rochester and Mattapoisett not affected.

SECTION 5. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences under this act. Jurisdiction of courts and trial justices.

SECTION 6. Section three of chapter two hundred and twenty of the acts of the year eighteen hundred and eighty-five and all acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved April 22, 1892.

AN ACT TO AUTHORIZE THE TOWN OF EVERETT TO ISSUE SCRIP OR BONDS FOR THE PURPOSE OF EXTENDING AND IMPROVING ITS SYSTEM OF WATER SUPPLY.

Chap. 189

Be it enacted, etc., as follows:

SECTION 1. The town of Everett, for the purpose of maintaining, enlarging and preserving its system of water Everett Water Loan.

Not to exceed
\$100,000.

supply, is authorized to issue scrip or bonds to an amount not exceeding one hundred thousand dollars, to be denominated on the face thereof, Everett Water Loan, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and to become due and payable at such time or times, not exceeding thirty years from the time when the same are issued, as said town may decide, with power to renew any of the same to become due within such period; and such scrip or bonds shall be signed by the treasurer of said town and be countersigned by the water commissioners thereof or a majority of them. The issue of scrip or bonds under this act shall be in addition to the amount authorized by chapter one hundred and forty-nine of the acts of the year eighteen hundred and ninety-one, and all provisions of said act shall apply to the bonds or scrip hereby authorized, except as herein otherwise provided.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.190

AN ACT PROVIDING FOR THE EXAMINATION AND CORRECTION OF RETURNS OF ELECTION OFFICERS IN TOWNS DIVIDED INTO VOTING PRECINCTS.

Be it enacted, etc., as follows:

Examination,
etc., of returns
of elections in
towns divided
into voting
districts.

SECTION 1. The selectmen and clerk of each town divided into voting precincts shall forthwith after an election examine the returns made by the election officers of each precinct in such town, and if any error appears therein they shall forthwith notify said election officers thereof, who shall forthwith make a new and additional return, under oath, in conformity to truth, which additional return, whether made upon notice or by such officers without notice, shall be received by the selectmen or town clerk at any time before the expiration of the day preceding that on which by law they are required to make their returns; and all original and additional returns so made shall be examined by the selectmen and town clerk, and made part of their returns of the results of such election.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.191

AN ACT RELATIVE TO LIENS ON BUILDINGS AND LAND.

Be it enacted, etc., as follows:

P. S. 191, § 6,
amended.

Section six of chapter one hundred and ninety-one of the Public Statutes is hereby amended by adding thereto

after the word "behalf", in the last line thereof, the following words: — But no statement required by this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating or failing to state the contract price, the number of days of labor performed or furnished, and the value of the same: *provided*, it is shown that there was no intention to mislead, and that the parties entitled to notice of the statement were not in fact misled thereby, — so as to read as follows: — *Section 6.* The lien shall be dissolved unless the person desiring to avail himself thereof, within thirty days after he ceases to labor on or to furnish labor or materials for the building or structure, files in the registry of deeds for the county or district in which the same is situated a statement of a just and true account of the amount due him, with all just credits given; a description of the property intended to be covered by the lien, sufficiently accurate for identification; and the name of the owner or owners of such property, if known. If a lien is claimed only for labor performed or furnished under an entire contract which includes both labor and materials at an entire price, the contract price, the number of days of labor performed or furnished, and the value of the same, shall also be stated. The statement shall be subscribed and sworn to by the person claiming the lien, or by some one in his behalf. But no statement required by this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating or failing to state the contract price, the number of days of labor performed or furnished, and the value of the same: *provided*, it is shown that there was no intention to mislead, and that the parties entitled to notice of the statement were not in fact misled thereby.

Dissolution of
lien.

Approved April 22, 1892.

AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO REFUND THEIR FUNDED DEBT IN CERTAIN CASES. *Chap. 192*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-nine is hereby amended by inserting after the word "road", in the ninth line of said section, the words: — or for the purpose of refunding its funded debt, — so as to read as follows: — *Section 1.* A street railway company, by vote of a majority in interest of its stockholders,

1889, 316, § 1,
amended.

Street railway
companies may
issue bonds, etc.

Subject to the approval of the railroad commissioners.

Certificate to be filed in the office of the secretary of the Commonwealth.

Bonds to be secured by mortgage, etc.

at a meeting called for the purpose, may authorize the issue of coupon or registered bonds secured by mortgage, to provide means for construction and equipment, and for funding so much of its floating debt as may have been incurred for construction or for the purchase of such real or personal estate as may have been necessary or convenient for the operation of its road, or for the purpose of refunding its funded debt, or to provide means for building and equipping a branch or extension, upon a location duly granted or extended, or for the contemplated purchase of such additional real and personal property as may be necessary or convenient for the operation of its railway: *provided*, that the board of railroad commissioners, after an examination of the assets and liabilities of the company and such further investigation as it deems requisite, shall by vote approve of such issue as being consistent with the public interests. The vote of approval shall specify the amount of the issue, the rate of interest, which in any case shall not exceed six per centum per annum, and the purpose to which the proceeds shall be applied; and no such issue shall be authorized unless in the opinion of such board the value of the constructed tracks, the equipments and the other real and personal property of the company, taken at a fair value for railway purposes, and excluding the value of the franchise, equals or exceeds the amount of the capital stock outstanding and the debt. A certificate setting forth the vote of approval shall be filed in the office of the secretary of the Commonwealth before such bonds are issued. The company shall not apply the proceeds of such bonds to any purpose not specified in the vote of the board, and may be enjoined from so doing by any justice of the supreme judicial or superior courts, upon application of the board or any interested party. Such bonds shall be secured by a mortgage of a part or of the whole of the railway of such company, and its equipments, franchise and other property, real and personal. The bonds may be issued in sums of not less than one hundred dollars each, payable at periods not exceeding twenty years from the date thereof, and each bond shall be recorded by the treasurer in books to be kept in his office.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO PROVIDE FOR
THE ABOLITION OF A GRADE CROSSING. *Chap.193*

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield is hereby authorized, for the purpose of abolishing the grade crossing over the tracks of the Boston and Albany Railroad Company near Morningside in said city, to lay out and construct a public way across the land of said railroad company underneath its tracks, which way shall be a continuation of Curtis street in said city; and for the purpose of such construction to make any necessary and proper contracts with said railroad company or any persons or corporations.

City may provide for abolition of a grade crossing.

SECTION 2. The Boston and Albany Railroad Company, upon the completion of said work, shall pay to said city fifty per cent. of the cost of construction of so much of said way as shall lie within the limits of the location of said railroad, including in said cost the cost of the necessary bridge and its abutments; and upon and after the completion of the work the bridge and its abutments shall be maintained and kept in repair by said railroad company, and the way and its approaches shall be maintained and kept in repair by said city.

Cost of construction and maintenance of way and bridge.

SECTION 3. Upon the completion of said way all rights of way, if any, except those of the railroad company, in the existing grade crossing shall cease and determine, and the said railroad company may close the same to travel. The city of Pittsfield shall pay such damages, if any, as may be sustained by any person or corporation in property by reason of the discontinuance and abandonment of said grade crossing, and any person or corporation sustaining damages as aforesaid, who fails to agree with said city upon said damages, may have the damages assessed and determined by a jury at the bar of the superior court for the county of Berkshire, on petition brought within one year from the date of said discontinuance, in the same manner as damages may be determined when occasioned by the discontinuance of town ways, and under like rules of law.

Certain rights of way to cease, etc.

Payment of damages.

SECTION 4. The provisions of this act shall not affect the authority and power of the city council of said city to lay out a public way in extension of Curtis street, without and beyond the limits of the location of said railroad,

Not to affect the right of the city council to lay out a certain public way.

Proviso.

and to determine the location thereof; and the provisions of law applicable to the laying out of ways by said city council and the taking of land therefor shall, except as hereinbefore provided, apply to said way: *provided, however*, that the Boston and Albany Railroad Company shall not be entitled to damages on account of the laying out and construction of a way across its location authorized hereby.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap. 194 AN ACT TO AUTHORIZE THE MARLBOROUGH STREET RAILWAY COMPANY TO EXTEND ITS ROAD INTO THE TOWNS OF HUDSON AND WESTBOROUGH AND TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

May extend its road to towns of Hudson and Westborough.

SECTION 1. The Marlborough Street Railway Company is hereby authorized to construct, equip, extend, maintain and operate by electricity, its road to the towns of Hudson and Westborough or either of them; with all the powers and privileges and subject to all the restrictions, duties and liabilities created by the general laws which are now or hereafter may be in force relating to street railways, except as hereinafter provided.

Location, construction, operation, etc., of railway over streets and ways.

SECTION 2. Said company, for the purposes of said extension, may locate, construct, equip and operate by electricity its railway, with suitable tracks and turn-outs upon and over such streets and public ways leading from the said Marlborough to said terminal towns as the mayor and aldermen of Marlborough and the selectmen of Hudson, Southborough and Westborough may respectively fix and determine; and may erect, maintain and use such poles and wires and make such alterations in said streets and ways as said boards may respectively prescribe, but said company shall not use a centre surface rail for the transmission of the electric current. The proceedings for the fixing of the route, location and construction of said extensions in said streets and public ways of said city and towns shall be similar to those prescribed by general laws in relation to street railways, and said company shall not locate or construct its road in any street or way without the written consent of the selectmen or the mayor and aldermen of the town or city in which such street or way is situated.

SECTION 3. Said company may locate, construct, equip and operate by electricity its railway, with suitable tracks and turn-outs, upon and over private lands within the limits of said extensions; and for such purpose may take and hold by purchase or otherwise all necessary lands, and may take and hold by purchase or otherwise all land necessary for power stations and other uses incidental to the proper maintenance of its railway, and may erect and equip upon said land a station or stations, with sufficient steam and electrical power for the operation of its railway. The proceedings for the fixing of the route, location and construction of said railway over all of the route lying outside of the streets and public ways of said city and towns, and for the taking of private lands for the purposes named in this section, shall be similar to those prescribed by general laws in relation to railroads.

Location, construction, operation, etc., of railway over private lands.

SECTION 4. The location of said extensions outside of public streets and ways shall not exceed thirty-five feet in width, and need not be fenced.

Location outside of streets.

SECTION 5. The said company in constructing the extensions hereby authorized shall not cross the tracks of any steam railroad at grade without first obtaining the written consent of the board of railroad commissioners: *provided, however*, that the track of said railway company with the written consent of said board, if the selectmen of Southborough shall have previously consented as herein provided to the location of said street railway over the old Westborough road, so-called, may be temporarily laid at grade across the track of the Old Colony railroad at the intersection of the latter with the said old Westborough road, and may be used by the street railway company until the completion of the overhead bridge and approaches near said point, when the street track shall be immediately removed.

Crossing of tracks of steam railroads.

SECTION 6. The said company, for the purpose of providing the means for constructing said extensions and equipping the same, for the purchase or acquirement of private lands under the provisions of this act, and for constructing the steam and electrical stations, plants and car equipment necessary for the operation of its road as thus extended, is hereby authorized to increase its capital stock so that the same shall not exceed in all the amount of three hundred thousand dollars, or to increase its capital stock so that the same shall not exceed in all the

May increase capital stock.

May issue
bonds.

Proviso.

May mortgage
road, etc., to
secure pay-
ment.

Provisions of P.
S. 112, §§ 68-70,
to apply.

May change its
corporate name.

Directors not to
exceed thirteen
in number, etc.

To be con-
structed and
operated prior
to July 1, 1896.

amount of two hundred thousand dollars and in addition issue bonds to an amount which, with those already authorized by its act of incorporation, shall not exceed in all the amount of one hundred thousand dollars: *provided*, that no issue of said additional bonds shall be made unless there shall have been actually paid in an amount of said additional capital stock equal to the amount of such issue. Such bonds may be coupon or registered, and for a term not exceeding twenty years from the date thereof.

SECTION 7. The said company may from time to time, by the vote of a majority in interest of its stockholders, issue the bonds authorized by the preceding section, and to secure payment of the same with interest thereon the said company may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its road, provided that an equivalent in value be substituted therefor; and bonds so issued as aforesaid shall first be approved by some person appointed by the company for that purpose, who shall certify upon each bond that it is properly issued and recorded. The provisions of sections sixty-three to seventy, inclusive, of chapter one hundred and twelve of the Public Statutes shall apply to the action of said company under this and the preceding section.

SECTION 8. The said company as soon as it shall be convenient or necessary for the purposes of this act may change its corporate name so as to embrace the name of the town or towns to which it may be extended.

SECTION 9. The number of directors may be increased from time to time at any special meeting of the stockholders duly notified for that purpose, but not to exceed thirteen in all, and the terminal town or towns hereinbefore named shall be represented in said number.

SECTION 10. The provisions of this act shall become void, so far as relates to the rights of said company in either of the towns in which said company shall not have constructed and operated its extension prior to the first day of July in the year eighteen hundred and ninety-five.

SECTION 11. This act shall take effect upon its passage.

Approved April 22, 1892.

AN ACT TO PREVENT THE SPREAD OF TUBERCULOSIS.

Chap. 195.

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter fifty-eight of the Public Statutes is hereby amended by striking out the words "may annually", in the second line of said section, and inserting in place thereof the words : — shall annually in the month of April, — also by inserting after the word "slaughter", in the third line of said section, the words :

P. S. 58, § 1, amended.

— or kept for the production of milk, — so as to read as follows : — *Section 1.* The mayor and aldermen of cities and the selectmen of towns shall annually in the month of April appoint one or more persons to be inspectors of provisions and of animals intended for slaughter or kept for the production of milk. Such inspectors shall be sworn faithfully to discharge the duties of their office, and shall receive such compensation as the city council or the selectmen shall determine.

Inspectors of provisions and of animals intended for slaughter or kept for the production of milk.

SECTION 2. Said inspectors, in addition to the powers conferred upon them by section two of chapter fifty-eight of the Public Statutes, may inspect all animals kept for the production of milk, and shall report to the board of cattle commissioners all suspected cases of tuberculosis which come to their notice among animals intended for slaughter or kept for the production of milk.

Powers and duties; report.

SECTION 3. Section thirteen of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting after the word "of", in the ninth line of said section, the word : — tuberculosis, — and by adding, at the end of said section, the words : — and may also pay a reasonable sum for the animal destroyed, should a post-mortem examination prove that said animal was free from the disease for which it was condemned, — so as to read as follows : — *Section 13.*

1887, 252, § 13, amended.

When the commissioners, by an examination of a case of contagious disease among domestic animals, become satisfied that it has been contracted by intention or negligence on the part of the owner, or of a person in his employ, or by his consent, or by the use of food material liable to contain the germs of contagion, they shall cause such animals to be securely isolated at the expense of the owner, or they shall cause them to be killed without appraisal or payment; and in all cases of tuberculosis, farcy or glanders, the commissioner having condemned the animal

Animals to be isolated or killed, etc.

Owner may be paid an equitable sum, etc.

infected therewith, shall cause such animal to be killed without an appraisal, but may pay the owner or any other person an equitable sum for the killing and burial thereof, and may also pay a reasonable sum for the animal destroyed, should a post-mortem examination prove that said animal was free from the disease for which it was condemned.

Repeal of P. S. 58, § 7.

SECTION 4. Section seven of chapter fifty-eight of the Public Statutes is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap. 196 AN ACT RELATIVE TO THE FISHERIES OF THE TOWN OF MASHPEE.
Be it enacted, etc., as follows :

1894, 264, § 1,
amended.

Section one of chapter two hundred and sixty-four of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out the first four lines of said section, and the words "line drawn from Gooseberry island to Mashpee neck", in the fifth line, and inserting in place thereof the following words : — No person shall fish for or take or destroy in the waters of the town of Mashpee, leased by said town to any person, any fish, shellfish or eels, except as permitted by such lease ; and no person not an inhabitant of the town of Mashpee shall fish for, take or destroy in the waters within said town, — also by inserting after the word "however", in the fourteenth line of said section, the words : — that the foregoing provisions shall not apply to Hamlin's pond and its outlet, nor to the trout fishery in Popponessett bay, south of a line drawn from Gooseberry island to Mashpee neck ; and *provided, further*, — so as to read as follows : — *Section 1.*

Fisheries regulated in Mashpee.

No person shall fish for or take or destroy in the waters of the town of Mashpee, leased by said town to any person, any fish, shellfish or eels, except as permitted by such lease ; and no person not an inhabitant of the town of Mashpee shall fish for, take or destroy in the waters within said town any fish, shellfish or eels, without a written permit or lease from the selectmen of said town, stating the time, place, manner and number in which the same may be taken ; nor shall any inhabitant of said town at any one time take more than three bushels of shellfish for bait, or take any fish, shellfish or eels for the purpose of selling the same, without a written permit from said selectmen, who may grant the same for such sum, to be

paid to the use of said town, as they shall deem proper : *provided, however*, that the foregoing provisions shall not apply to Hamlin's pond and its outlet, nor to the trout fishery in Popponessett bay, south of a line drawn from Gooseberry island to Mashpee neck ; and *provided, further*, that no seining shall be allowed in any of the waters of said town ; but the inhabitants of said town may take such fish, shellfish and eels for family use without such permit, except from such fisheries as are lawfully leased by said town to others. *Approved April 22, 1892.*

Proviso.

AN ACT TO EXEMPT THE TOWN OF GROVELAND FROM PART OF THE
EXPENSE OF MAINTAINING GROVELAND BRIDGE.

Chap.197

Be it enacted, etc., as follows :

The county commissioners of the county of Essex shall reapportion the cost of maintaining Groveland bridge and the draw connected therewith so as to relieve the town of Groveland of some part of its present yearly expense, and so that the amount from which the town of Groveland is exempted shall be apportioned upon and paid by the several towns and cities most using said bridge.

Reapportionment of cost of maintaining Groveland bridge.

Approved April 22, 1892.

AN ACT RELATIVE TO THE CHANGE OF NAMES OF CORPORATIONS.

Chap.198

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter three hundred and sixty of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word " chapters ", in the third line thereof, the words : — eighty-two, — and by inserting after the word " ten ", in the fifth line of said section, the words : — one hundred and eleven, — so as to read as follows : — *Section 1.* The commissioner of corporations may authorize any corporation subject to the provisions of chapters eighty-two, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen and one hundred and nineteen of the Public Statutes, and acts amendatory of any of said chapters, to change its name, upon notice and hearing, as hereinafter set forth : *provided*, such corporation shall, previously to its application to the commissioner of corpo-

1891, 860, § 1, amended.

Commissioner may authorize certain corporations to change their names.

Proviso.

rations for change of its name, at a meeting called for that purpose have voted, by a vote of two thirds of the stockholders present and voting at the meeting, to change its name and adopt a new one.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.199 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF GARDNER.

Be it enacted, etc., as follows :

Proceedings of town meeting confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Gardner held on the seventh day of March in the year eighteen hundred and ninety-two, and any adjournment thereof, shall not be invalid by reason of the omission in the warrant calling such meeting, of a specification of the time of opening the polls and the time of closing the same, or by reason of any action taken by said meeting with reference to keeping open said polls or closing the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.200 AN ACT IN RELATION TO FEES FOR ARRESTS FOR DRUNKENNESS BY OFFICERS DERIVING THEIR SOLE COMPENSATION FROM TAXABLE FEES.

Be it enacted, etc., as follows :

Certain officers entitled to fees for arrests for drunkenness.

SECTION 1. When an officer whose sole compensation for services in criminal proceedings is derived from taxable fees, makes an arrest for drunkenness, and the person arrested is discharged without being brought into court or before a trial justice, the officer making such arrest shall be entitled to the same fees therefor as in cases where persons arrested are taken into court or before a trial justice, and complained against. If the arrest be made without a warrant, the officer making the same shall make a sworn statement in writing of his fees, in the nature of a return upon a precept, which statement he shall send to the court or trial justice having jurisdiction of the offence.

Return to be made in certain cases.

Certain special police officers not entitled to fees.

SECTION 2. Special police officers making arrests for drunkenness in cities and towns in which the police officers or constables receive salaries shall not be entitled to fees under this act.

SECTION 3. When trial justices discharge without complaint persons arrested for drunkenness, they shall be entitled to the same compensation as in cases where there are trials. In case of discharge without complaint.

SECTION 4. This act shall take effect upon its passage.

Approved April 22, 1892.

AN ACT RELATING TO CHANGES IN THE NAME OF CERTAIN CORPORATIONS.

Chap.201

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter three hundred and sixty of the acts of the year eighteen hundred and ninety-one shall not apply to any corporation organized or transacting business under the provisions of chapter four hundred and twenty-nine of the acts of the year eighteen hundred and eighty-eight, or acts amendatory thereof. Provisions of 1891, 360, not to apply, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

AN ACT FIXING THE TIME AND PLACE OF HOLDING PROBATE COURTS IN THE COUNTY OF SUFFOLK.

Chap.202

Be it enacted, etc., as follows:

SECTION 1. After the first day of June next the sessions of the probate court for the county of Suffolk shall be held at Boston on every Thursday in each year, except the first, second, fourth and fifth Thursdays of August, instead of at the times now provided by law. Probate courts in the county of Suffolk.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

AN ACT TO EXEMPT FROM TAXATION CERTAIN REAL AND PERSONAL PROPERTY BELONGING TO THE ODD FELLOWS' HOME OF MASSACHUSETTS.

Chap.203

Be it enacted, etc., as follows:

SECTION 1. The real estate of the odd fellows' home of Massachusetts situated in the city of Worcester, and the personal property belonging to said home or held by the trustees thereof for the purpose of said home, to the amount provided in chapter one hundred and fifteen of the Public Statutes, shall be exempt from taxation so long as said real and personal property shall be used for the purpose of said home, in accordance with the rules and regu- Property exempt from taxation.

lations prescribed by the grand lodge of the independent order of odd fellows of Massachusetts.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.204 AN ACT TO CONFIRM THE ORGANIZATION AND PROCEEDINGS OF THE HOOSAC TUNNEL AND WILMINGTON RAILROAD COMPANY.

Be it enacted, etc., as follows:

Organization
and proceedings
confirmed.

SECTION 1. The organization and proceedings of the Hoosac Tunnel and Wilmington Railroad Company are hereby ratified, confirmed and made valid, as they appear in the records of said company, to all intents and purposes, notwithstanding that the first meeting was called by the clerk instead of by a majority of the directors, and notwithstanding certain omissions in the qualification of the clerk of said company from time to time; and said organization and proceedings shall be held valid and effectual in law.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.205 AN ACT TO AUTHORIZE THE BEVERLY MARINE RAILWAY IN BEVERLY TO CONFIRM ITS PROCEEDINGS AND CONVEY ITS REAL ESTATE.

Be it enacted, etc., as follows:

Stockholders
may confirm
defects in
proceedings.

SECTION 1. The stockholders of the Beverly Marine Railway in Beverly may, at a meeting of said stockholders held within ninety days from the passage of this act and called by the stockholder having the largest number of shares, confirm any defects in the proceedings of said corporation in the manner provided by section eighty of chapter one hundred and six of the Public Statutes, and may at such meeting alter or amend its by-laws or establish new by-laws and elect all necessary officers.

Corporation
may convey or
mortgage its
real estate.

SECTION 2. Said corporation may convey or mortgage the whole or any part of its real estate when authorized thereto by vote of the stockholders at a meeting called for the purpose, and may at such meeting authorize its president to execute all necessary deeds, in the name of the corporation.

SECTION 3. This act shall take effect upon its passage.

Approved April 22, 1892.

AN ACT TO INCREASE THE PENALTY FOR THE UNAUTHORIZED REMOVAL OF GRAVEL, SAND AND OTHER MATERIAL FROM THE BEACHES. *Chap.206*

Be it enacted, etc., as follows :

Section two of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-four is hereby amended by inserting after the word "exceeding", in the last line thereof, the words :—two hundred dollars and not less than,—so as to read as follows :—*Section 2.* Whenever it appears to the board of harbor and land commissioners, upon complaint made to said board or otherwise, that the digging or removal of stones, gravel, sand or other material, upon or from any beach, shore, bluff, headland, island or bar, in or bordering on tide waters, or the destruction of any trees, shrubs, grass or other vegetation growing thereon, is, or is likely to prove, injurious to any harbor or other navigable tide waters, said board may, by notice in writing to any person or persons, prohibit such digging or removal, or the doing of any acts injurious to such trees or other vegetation, upon or from any such beach or other place aforesaid specified in such notice. Whoever, after receiving such notice, wilfully does any act or thing prohibited therein, and which is authorized to be so prohibited by this section, or, being the owner or having the control of any land specified in such notice, wilfully suffers or permits such act or thing to be done thereon, shall be punished by a fine not exceeding two hundred dollars, and not less than twenty dollars, for each offence.

1884, 286, § 2, amended.

Removal of gravel or other material may be prohibited by harbor and land commissioners.

Penalty.

Approved April 22, 1892.

AN ACT TO AUTHORIZE THE TOWN OF CHATHAM TO REFUND A PORTION OF ITS DEBT. *Chap.207*

Be it enacted, etc., as follows :

SECTION 1. The town of Chatham is hereby authorized to issue bonds, notes or scrip to an amount not exceeding four thousand dollars, for the purpose of refunding an equal amount of bonds of said town issued under the provisions of chapter two hundred and twenty-one of the acts of the year eighteen hundred and eighty-six, and becoming due in September of the present year. The bonds, notes or scrip issued under the provisions of this act shall be payable not more than twenty years from the date of issue

Town may refund a portion of its debt.

and shall bear interest at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer and countersigned by the selectmen of said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.208 AN ACT TO AUTHORIZE THE TOWN OF HOPKINTON TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

May make an additional water loan.

SECTION 1. The town of Hopkinton, for the purposes mentioned in section two of chapter one hundred eighty-three of the acts of the year eighteen hundred eighty-two, may issue notes, bonds or scrip to be denominated on the face thereof, Hopkinton Water Loan, to an amount not exceeding twenty-five thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Hopkinton water loan by said town: *provided*, that the whole amount of such notes, bonds or scrip issued by said town, together with those heretofore issued by said town for the same purposes, shall not in any event exceed the amount of seventy-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 22, 1892.

Chap.209 AN ACT RELATING TO SPECIAL JUDGMENTS AGAINST BANKRUPT AND INSOLVENT DEBTORS.

Be it enacted, etc., as follows:

1885, 59, § 1,
amended.

SECTION 1. Section one of chapter fifty-nine of the acts of the year eighteen hundred and eighty-five is hereby amended by inserting after the word "property", in the first line of said section, the words: — estate, interest or money, — by striking out all after the word "attached", in the eighth line of said section, to and including the word "attached", in the fifteenth line, and inserting in place thereof the following words: — or been brought within the control of a court of equity, by injunction or otherwise, in proceedings upon bills by creditors to reach and apply, in payment of a debt, any property, right, title or interest, legal or equitable, of a debtor, within this state, which cannot be come at to be attached in a

suit at law against such debtor, or in other proceedings in equity, or by payment of money into court; and when it shall be made to appear, by default or otherwise, that the plaintiff is entitled to judgment or decree, except for such bankruptcy or insolvency of the debtor, or his discharge therein, the court may at any time upon motion enter a special judgment or decree for the plaintiff, for the amount of his debt or damages and costs, or for such other relief as he may be entitled to, to be enforced in the first instance only against the property, estate, interest or money, so attached, or so brought within the control of the court, — by inserting after the word “property”, in said fifteenth line, the words: — estate, interest or money, — by inserting after the word “judgment”, in the sixteenth line of said section, the words: — or decree, — by inserting after the word “execution”, in the nineteenth line of the said section, the words: — or other process, — and by striking out, in the twentieth and twenty-first lines, after the word “judgment”, the words “for the amount thereof remaining”, and inserting in place thereof the following words: — or decree for such portion thereof as remains, — so as to read as follows: — *Section 1.*

When any property, estate, interest or money of a debtor has, more than four months prior to the commencement of proceedings in bankruptcy, or, in case of voluntary proceedings in insolvency, more than four months prior to the time of the first publication of the notice of the issuing of the warrant, or, in case of involuntary proceedings, more than four months prior to the time of the first publication of the notice of the filing of the petition, been attached, or been brought within the control of a court of equity, by injunction or otherwise, in proceedings upon bills by creditors to reach and apply, in payment of a debt, any property, right, title or interest, legal or equitable, of a debtor, within this state, which cannot be come at to be attached in a suit at law against such debtor, or in other proceedings in equity, or by payment of money into court; and when it shall be made to appear, by default or otherwise, that the plaintiff is entitled to judgment or decree, except for such bankruptcy or insolvency of the debtor, or his discharge therein, the court may at any time upon motion enter a special judgment or decree for the plaintiff, for the amount of his debt or damages and costs, or for such other relief as he may be entitled to, to be

Special judgments against bankrupt and insolvent debtors.

**Powers of court
in equity not
impaired.**

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1892.

Be it enacted, etc., as follows:

SECTION 1. The following form of complaint may be used in prosecutions under sections four and five of chapter seventy-four of the Public Statutes and all acts amendatory thereof, and if substantially followed shall be deemed sufficient, fully and plainly, substantially and formally, to describe the offences therein set forth; but this shall not be so construed as to prohibit the use of any other suitable form.

M SS To A. B. Esquire, a trial justice within and for the county of M C. D. of B in said county of M on behalf of the Commonwealth of Massachusetts, on oath complains, that the is a corporation established under the laws and having its usual place of business at B in said county of M and that said corporation, to wit, the said on the day of in the year 189 at B aforesaid, in the county aforesaid, had and was carrying on a manufacturing establishment, to wit, a mill for the manufacturing of and then and there employed in laboring in its manufacturing establishment, to wit, in its said mill, and that said corporation, to wit, the said had before the said day of posted, and then still had, and continued to have

posted in a conspicuous place in its said manufacturing establishment, to wit, its said mill, in a certain room in said manufacturing establishment, to wit, in said mill, in which were then and there employed in laboring by said corporation, to wit, said and in which a certain whose name is was then and there employed in laboring by said corporation, to wit, said a printed notice stating the number of hours of work required of such by said corporation, to wit, said on each day of the week, to wit, a printed notice that such were required to work in laboring and that work in laboring was required of such then so employed in laboring in said room hours and no more in each of the first five working days of each week, and hours and no more on Saturday of each week, which said notice was of the tenor following, that is to say, (Here insert an exact copy of said notice.) and that said corporation, to wit, the said on the said day of the same being one of the first five working days in the week, to wit, did then and there employ in laboring in its manufacturing establishment, to wit, said mill, and in the room in said mill in which the said notice was then and there posted as aforesaid, the said for a longer time than hours, to wit, for hours and minutes the said period of hours being the time stated in the notice aforesaid as the number of hours' work in laboring required of said in said room by said corporation, to wit, said on said day of the same being the said employment in laboring of the said by the said corporation, to wit, the said as aforesaid, not being then and there or any part thereof in compensation for or to make up for any time lost in consequence of the stopping of any machinery of the said corporation, to wit, the said upon which said was employed or dependent for employment or had been employed or was dependent for employment any previous day in the week of which the said day of was a portion, against the peace of the said Commonwealth, and the form of the statute in such cases made and provided. He therefore prays that the said corporation, to wit, the said may be summoned to answer to said complaint, and dealt with relative to the same, as law and justice may require.

Dated at B in the county of M this day of in the year of our Lord one thousand eight hundred and ninety .

Form of
complaint.

C. D. Complainant.

COMMONWEALTH OF MASSACHUSETTS.

M SS. Taken and sworn to this day of in the year of our Lord one thousand eight hundred and ninety Before me.

A. B. Trial Justice.

The above form shall be sufficient in prosecutions of a natural person or persons, and before district, police and municipal courts, or any magistrate authorized to receive complaints, with such modifications as may be necessary in every case.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1892.

Chap.211 AN ACT RELATING TO THE DISPOSAL OF SEWAGE FROM THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows :

Allowance to town of Framingham under 1897, 403.

SECTION 1. There shall be allowed and paid to the town of Framingham the sum of eight thousand and five hundred dollars, in full compensation for the right to discharge the sewage from the reformatory prison for women in the town of Sherborn into the main sewer of the system of sewage disposal constructed by said town of Framingham, in accordance with chapter four hundred and three of the acts of the year eighteen hundred and eighty-seven, that being the amount agreed upon, as provided in section eight of said act, between the said town of Framingham and the Commonwealth, through the board of commissioners of prisons. There shall also be allowed and paid to said town of Framingham the sum of nine hundred dollars, in full payment of the percentage to be paid by the Commonwealth toward the cost of maintaining and operating said system of sewage disposal, as provided in said section eight of said act, from the first day of July in the year eighteen hundred and ninety-one to the thirty-first day of December in the year eighteen hundred and ninety-two.

Annual allowance to town of Framingham.

SECTION 2. There shall be allowed and paid to said town of Framingham, from and after the first day of January in the year eighteen hundred and ninety-three, the sum of six hundred dollars annually, in full payment of the percentage which the Commonwealth shall pay toward the annual expense of maintaining and operating said system of sewage disposal, as long as there shall be discharged into said system the sewage from said reformatory prison for women.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1892.

Chap.212 AN ACT TO LEGALIZE A VOTE OF THE TOWN OF PEABODY PROVIDING FOR REFUNDING A PORTION OF THE AMOUNT PAID FOR A LIQUOR LICENSE.

Be it enacted, etc., as follows :

Vote legalized.

SECTION 1. The vote of the town of Peabody, passed on the twenty-fourth day of March in the year eighteen hundred and ninety-one, authorizing the treasurer of said town to refund to the heirs of John Keefe, third, three

fourths of the amount paid by said Keefe for a liquor license, is hereby declared legal and valid, and said treasurer is hereby authorized to pay said sum in accordance with said vote.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1892.

AN ACT RELATING TO THE INCOME FROM THE WATER SUPPLIES *Chap.213*
OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The board or authority having for the time being charge of the water supplies of the city of Boston shall fix the prices, or rents for the use of water from said supplies; and the income received therefrom, after deducting all expenses and charges of distribution, shall be applied, — first, to the payment of the interest on the loans incurred for furnishing and developing said supplies, — second, to the payment of the sinking fund requirements for said loans, in accordance with the provisions of chapter twenty-nine of the Public Statutes, — third, to the purchase and laying of water pipes at the discretion of said board or authority; and fourth, the balance, if any there be, to the sinking funds for said loans.

Income from the water supplies of the city of Boston.

SECTION 2. Sections eleven, twelve and thirteen of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six, section two of chapter one hundred and fifty-nine of the acts of the year eighteen hundred and seventy-one, section two of chapter eighty-five of the acts of the year eighteen hundred and seventy-two, and all acts and parts of acts, whether special or general, inconsistent herewith, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1892.

AN ACT TO PROTECT THE BEACHES AND SHORES OF THE TOWN OF *Chap.214*
MARBLEHEAD.

Be it enacted, etc., as follows:

SECTION 1. Whoever takes or removes by land or water, from any beach, shore, bluff, headland or bar within the limits of the town of Marblehead, any stones, gravel, mud or other material composing such beach, shore, bluff, headland or bar, without the consent in writing of the board of harbor and land commissioners, shall for each offence forfeit and pay to the use of the Common-

Gravel, etc., not to be taken from shores, etc., without permission.

wealth a sum not less than one hundred dollars nor more than five hundred dollars, or be punished by imprisonment in the jail not exceeding six months.

Arrest and trial
of offenders.

SECTION 2. Any person found violating the provisions of this act may be arrested without warrant, by any constable of the town of Marblehead or by any officer qualified to serve criminal process, and may be detained by such constable or officer not exceeding twenty-four hours, Sundays and legal holidays excepted; at or before the expiration of which time such person shall be brought before a court or magistrate having jurisdiction in the case and proceeded against according to law.

Approved April 27, 1892.

Chap. 215 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF NORTH BROOKFIELD.

Be it enacted, etc., as follows:

Proceedings of
annual meeting
confirmed.

The proceedings of the annual meeting of the town of North Brookfield held on the fourth day of April in the year eighteen hundred and ninety-two are hereby ratified and confirmed.

Approved April 28, 1892.

Chap. 216 AN ACT TO INCORPORATE THE TOWN OF WEST TISBURY.

Be it enacted, etc., as follows:

Town of
West Tisbury
incorporated.

SECTION 1. All that part of the town of Tisbury comprised within the following limits, that is to say: — Beginning at a stone monument in the boundary line of the towns of Edgartown, Cottage City and Tisbury, and running northwesterly in a straight line to the Vineyard sound in such manner as to intersect the Chappaquansett schoolhouse, so-called; thence westerly by the Vineyard sound to the boundary line between the towns of Chilmark and Tisbury; thence southerly following said boundary line to the Atlantic Ocean; thence easterly by the Atlantic Ocean to the boundary line between the towns of Edgartown and Tisbury; thence northerly following the present boundary line between the towns of Tisbury and Edgartown to the above-mentioned monument and the place of beginning, — is hereby set off from Tisbury and incorporated into a town by the name of West Tisbury; and said town of West Tisbury is hereby invested with all the powers, privileges, rights and immunities, and made subject to all the duties and liabilities of other towns of the Commonwealth.

SECTION 2. The inhabitants and estates within the territory hereby set off and the owners of such estates, shall be holden to pay all taxes assessed and in arrears, to the same persons, and such taxes may be collected in the same manner, as if this act had not been passed ; and until the next state valuation the town of West Tisbury, annually in the month of November, shall pay to the town of Tisbury three tenths of all the state and county taxes that shall be assessed to said Tisbury, and the assessors of Tisbury shall return the valuation of the two towns respectively to the secretary of the Commonwealth and to the county commissioners of the county of Dukes County.

Payment of taxes, etc.

SECTION 3. The towns of West Tisbury and Tisbury shall be liable respectively for the relief and support of all persons now or hereafter needing aid as paupers who may derive or have derived or acquired a settlement within their respective limits ; and the town of West Tisbury shall pay annually to the town of Tisbury three tenths of all costs for the relief and support of persons now or hereafter needing aid as paupers or otherwise, who may derive or have derived or acquired a settlement by reason of military service as part of the quota of Tisbury.

Relief and support of paupers.

SECTION 4. Suits upon existing rights of action in favor of or against the town of Tisbury may be instituted and prosecuted or defended by said town in the same manner and with like effect as before the passage of this act ; and the amount recovered therein shall be paid or received, as the case may be, by the town of Tisbury, and, reckoning costs and expenses, including counsel fees, shall be divided between the towns in the ratio of three tenths to West Tisbury and seven tenths to Tisbury.

Division of expenses of costs of suits, etc.

SECTION 5. The towns of Tisbury and West Tisbury shall retain and own the corporate property heretofore owned by the town of Tisbury which is within their respective limits, however the same may have been acquired, or which is commonly used in connection therewith at the time of the passage of this act, subject to such payment in cash from one town to the other to equalize the value of corporate property in the towns after division, as may be determined and apportioned by the commission hereafter mentioned in case the towns fail to mutually agree thereon ; and the net public debt of said town of Tisbury, after deducting all cash assets of and debts due to said town of Tisbury, shall be divided between the towns of

Division of corporate property, etc.

Tisbury and West Tisbury, in the ratio of seven tenths to Tisbury and three tenths to West Tisbury; and in case the town of West Tisbury cannot agree with the town of Tisbury as to the amount of debt which it is to assume under this section or as to the amount of cash payment to be made to equalize the value of corporate property, said amount shall be determined by three commissioners to be appointed by the superior court for the county of Dukes County, upon the application of either town and notice to the other, whose award when accepted by said court shall be binding upon all parties.

To continue in
present electoral
districts, etc.

SECTION 6. The town of West Tisbury shall, until otherwise provided by law, continue to be a part of the thirteenth congressional district, of the first councillor district, of the Cape senatorial district, and the first representative district of the county of Dukes County; and the inhabitants of said town of West Tisbury shall vote for each of said officers in the town of West Tisbury. The selectmen and clerk of said town of West Tisbury in each of said cases shall make returns as if said town had existed at the time of the formation of said districts.

First meeting
for election of
officers.

SECTION 7. Any justice of the peace whose residence is in the town of West Tisbury may issue his warrant directed to any inhabitant of said town of West Tisbury requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meeting; and said warrant shall be served by posting copies thereof, attested by the person to whom the same is directed, in three public places in said town of West Tisbury, seven days at least before such time of meeting. Such justice, or in his absence such inhabitant required to notify the meeting, shall preside until the choice of moderator in said town meeting. The selectmen of said town of Tisbury shall before said meeting prepare a list of voters in said town of West Tisbury, qualified to vote in said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

List of voters at
first meeting.

Division of
amount
refunded, etc

SECTION 8. The town of West Tisbury shall receive from the town of Tisbury three tenths of whatever amount may hereafter be refunded to said town of Tisbury from the Commonwealth or the United States to reimburse it

for bounties to soldiers or state aid heretofore paid to soldiers' families, or on any other account, after deducting all reasonable expenses.

SECTION 9. That portion of the rent of the Tisbury great pond which now belongs to the town of Tisbury shall hereafter be paid and enure solely to the benefit of the town of West Tisbury, and the rights, privileges and benefits of the herring fishery at Chappaquansett shall hereafter enure solely to the benefit of the town of Tisbury, and the new town of West Tisbury shall have no share or part therein.

Rent of the great pond to enure to West Tisbury and the herring fishery to Tisbury.

SECTION 10. The town of West Tisbury as hereby created shall, on and after the passage of this act, be exempted from all liability for any payment to the Vineyard Haven Water Company on account of a contract heretofore entered into by the town of Tisbury with said water company for the purpose of supplying said town with water for a term of years.

West Tisbury exempted from liability to the Vineyard Haven Water Company.

SECTION 11. The town of West Tisbury as created by this act shall annually pay to the town of Tisbury, from and after the passage of this act, such part of the annual expense incurred and paid by the town of Tisbury for or on account of the maintenance and repairs of the Lagoon Bridge, so-called, and tending the draw on said bridge, as may be mutually agreed upon by the said towns. In case of failure to agree, the portion, if any, which the town of West Tisbury shall pay shall be determined by the commission mentioned in section five.

Payment of certain expenses to be agreed upon, etc.

SECTION 12. All the rights heretofore secured to existing corporations upon the territory hereby incorporated and defined shall continue in force and be operative as though this act had not been passed.

Rights of corporations to continue in force.

SECTION 13. This act shall take effect upon its passage.

Approved April 28, 1892.

AN ACT TO INCORPORATE THE HAVERHILL AND AMESBURY STREET RAILWAY COMPANY.

Chap. 217

Be it enacted, etc., as follows:

SECTION 1. Charles Goss, Dudley J. Marston, William G. Ellis, Albert W. Goss, Adam Scott and N. Emory Collins, their associates and successors, are hereby made a corporation under the name of the Haverhill and Amesbury Street Railway Company; with all the powers and privileges and subject to all the duties, liabilities and

Haverhill and Amesbury Street Railway Company incorporated.

restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Location, construction, operation, etc., of railway in the city of Haverhill and towns of Merrimac and Amesbury.

SECTION 2. Said company is hereby authorized to construct and operate a railway, with single or double tracks and with convenient turn-outs and switches, in part upon private land, and over and upon any streets or highways in the city of Haverhill, town of Merrimac and town of Amesbury as shall be from time to time fixed and determined, by the mayor and aldermen of the city of Haverhill for the city of Haverhill, the selectmen of the town of Merrimac for the town of Merrimac, and the selectmen of the town of Amesbury for the town of Amesbury; and said company may construct its tracks over private land and hold the same by purchase or otherwise; it may acquire by purchase or otherwise all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway. The proceedings for the fixing of the route, location and construction of said railway, over all of the route lying outside of the streets and public highways of said city and towns, and for the taking of private property therefor, shall be similar to those prescribed by general law in relation to railroads, except as herein otherwise provided. Said railway shall not cross the tracks of any steam railroad at grade without first obtaining the written consent of the board of railroad commissioners.

Location outside of streets, etc.

SECTION 3. The location of said street railway outside of public streets and highways shall not exceed fifty feet in width.

Motive power, and operations and privileges connected therewith.

SECTION 4. Said company may maintain and operate said railway by any approved motive power other than steam, and, with the consent of the mayor and aldermen of the city of Haverhill and the selectmen of the towns of Merrimac and Amesbury, may make such underground alteration of the streets and highways, and may erect poles and wires, and may erect and maintain poles and wires on private land taken, as may be necessary to establish such motive power; except that said company shall not use a centre surface rail for transmission of the electric current. But in the event of the purchase of the Black Rocks and Salisbury Beach Street Railway Company by the Haverhill and Amesbury Street Railway Company, the purchasing corporation may operate by steam that

section of the Black Rocks and Salisbury Beach street railway now so operated.

SECTION 5. Said company is hereby authorized to purchase all the rights, franchises and property belonging to the Black Rocks and Salisbury Beach Street Railway Company, and said Black Rocks and Salisbury Beach Street Railway Company is hereby authorized to sell, convey and assign its franchises and property and all the rights, easements, privileges, locations and powers granted or in any way belonging to it, to the said Haverhill and Amesbury Street Railway Company; which company shall, upon such conveyances being made, have and enjoy all the rights, powers, privileges, locations, easements, franchises and property which heretofore belonged to or were in any way owned by the said Black Rocks and Salisbury Beach Street Railway Company, subject to the duties, liabilities and restrictions applicable to the same under the general laws relating to street railway companies: *provided, however,* that such purchase or sale shall not be valid unless agreed to by a majority of the directors of both said corporations, and approved by a majority in interest of the stockholders of each corporation at meetings called for that purpose.

May purchase franchise, etc., of the Black Rocks and Salisbury Beach Street Railway Company.

Provido.

SECTION 6. The capital stock of this corporation shall not exceed two hundred and fifty thousand dollars, except that said company may increase its capital stock, subject to all general laws applicable to such increase.

Capital stock.

SECTION 7. For the purpose of providing means for the payment or purchase of the outstanding bonds and paying the debts, and for the purchase of the capital stock of the said Black Rocks and Salisbury Beach Street Railway Company, and for purchasing the property, franchises, rights, easements, privileges, locations and powers of the Black Rocks and Salisbury Beach Street Railway Company, the said Haverhill and Amesbury Street Railway Company may issue coupon or registered bonds, bearing interest not exceeding six per cent. per annum, to an amount not exceeding three hundred thousand dollars; and to secure payment thereof with interest thereon, may make a mortgage of its road and franchises and any part of its other property, and may include in such mortgage the property acquired from the Black Rocks and Salisbury Beach Street Railway Company, and any property thereafter to be acquired by the said Haverhill and Amesbury

May issue bonds, etc.

May mortgage franchise and property.

Street Railway Company. Said company in such mortgage may reserve to its directors the right to sell or otherwise dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value is substituted in lieu thereof. All bonds so issued shall first be approved by some one appointed by the corporation for that purpose, who shall certify upon such bond that it is properly issued and recorded.

SECTION 8. This act shall take effect upon its passage.

Approved April 28, 1892.

Chap. 218 AN ACT TO INCORPORATE THE LOWELL, LAWRENCE AND HAVERHILL STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Lowell,
Lawrence and
Haverhill
Street Railway
Company
incorporated.

SECTION 1. Charles W. Morse, George A. Hall, Alexander B. Bruce, James R. Simpson, Charles E. Adams and Joseph S. Brown, their associates and successors, are hereby made a corporation under the name of the Lowell, Lawrence and Haverhill Street Railway Company; with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Location, con-
struction and
operation of
railway, etc.

SECTION 2. Said company is hereby authorized to locate, construct and operate a railway, with single or double tracks and with convenient and suitable turn-outs and switches, in part upon private land which it may take by purchase or otherwise, and over and upon any streets or highways, through the easterly part of the town of Dracut, and through the town of Methuen and the cities of Lawrence and Haverhill, by such route as shall be from time to time fixed and determined by the selectmen of the respective towns and by the mayor and aldermen of the respective cities; but said route in the town of Dracut shall run through the easterly part of said town to a point, near Merrimack river, which would be met by the extension of First street in the city of Lowell, at the boundary line between said city of Lowell and said town of Dracut, with right to run over the tracks of the Lowell and Suburban Street Railway Company over private land and First street to Bridge street, and over Bridge street to Post Office square, at the corner of East Merrimack street: *provided, however,* that if said Lowell and Suburban

Street Railway Company shall unreasonably neglect to build upon said route from said boundary line to Bridge street, then the Lowell, Lawrence and Haverhill Street Railway Company may, by purchase or otherwise, take land in said Lowell between said boundary line and First street, and locate, construct and operate its road thereon, and on First street to Bridge street, subject to the approval of the mayor and aldermen of the city of Lowell. But nothing in this section contained shall be deemed in any way to authorize said Lowell, Lawrence and Haverhill Street Railway Company to run its cars over or to use the tracks of another street railway, unless authority so to do shall be given said company and duly approved in the manner provided in the general laws relating to street railways, now in force or which may hereafter be enacted ; and further, any street railway now existing or that hereafter may be incorporated may in like manner be authorized and empowered to run its cars over and to use any portion of the tracks of said Lowell, Lawrence and Haverhill Street Railway Company, whether the same be upon public highways or over and upon private land acquired by said company as hereinbefore provided, in the same manner and upon the same conditions as though such tracks were entirely located in and upon public streets and highways, and in no part over private land.

Location, construction and operation of railway, etc.

SECTION 3. Said company may maintain and operate said railway by any approved motive power other than steam ; and, with the consent of the mayor and aldermen of the city of Lowell, the city of Lawrence and the city of Haverhill, and the selectmen of the towns of Dracut and Methuen, may make such underground alterations of the streets and highways, and may erect poles and wires, and may erect and maintain poles and wires on private lands taken, as may be necessary to establish and maintain such motive power. It may acquire, by purchase or by lease, all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway. The proceedings for the fixing of the route, location and construction of said railway over all of the route lying outside of the streets and public highways of said cities and towns, and for the taking of private property therefor, shall be similar to those prescribed by general law in relation to railroads, except as herein otherwise stated. And all persons and corporations sustaining damage in

May operate railway by motive power other than steam, etc.

Proceedings subject to certain provisions of law.

Damages.

their property by the taking of land for the location or construction of such railway shall have the same remedies therefor as are provided in chapter one hundred and twelve of the Public Statutes, or any amendment thereto, for persons damaged by railroad corporations.

Location out-
side of streets.

SECTION 4. The location of said railway outside of public streets and highways shall not exceed sixty feet in width.

Lands may be
used, laid out,
etc., as a street.

SECTION 5. The owners of lands in the city of Lowell, between Bridge street and the boundary line of the town of Dracut, upon which any part of said railway shall be constructed or located, shall have the right to use such lands within the location as and for a street and all the purposes of a highway, in common with said corporation, and the same may be laid out or accepted as a street or highway as public streets or highways may be laid out or accepted over other lands in the city of Lowell. And in the event of such laying out or acceptance, the laws relating to street railways and the maintenance thereof within public streets and highways shall apply to such part of said railway as shall be constructed or located within any such street or highway.

Capital stock.

SECTION 6. The capital stock of said corporation shall be four hundred thousand dollars, but it may be increased in accordance with the general law applicable to street railways; and in all other matters not herein otherwise provided the general law controlling said corporation shall be that governing street railways as far as applicable.

May issue
bonds, mortgage
road, franchise,
etc.

SECTION 7. Said corporation may from time to time, by the vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding four hundred thousand dollars, for a term not exceeding twenty years from the date thereof: *provided*, that no issue of bonds shall be made unless there shall have been actually paid in an amount of the capital stock equal to the amount of such issue. To secure payment of such bonds with interest thereon the said corporation may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become worn, damaged or unsuitable for use in the operation of its road, provided that an equivalent

in value be substituted therefor. And bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be certified as properly issued.

SECTION 8. If the provisions of this act shall not be accepted by said company, and if said company shall not build and put in operation some portion of its road in either of said cities or towns within eighteen months after the passage of this act, then this act shall be void and all corporate powers thereunder cease; and any portion of said road that is not completed by the building of at least a single line of track within three years from the passage of this act, to that portion said company shall be deemed to have waived its rights, and said rights therein shall thereupon be forfeited and terminated.

Provisions to be void unless, etc.

SECTION 9. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO REFUND A PORTION OF ITS TOWN HALL BONDS.

Chap.219

Be it enacted, etc., as follows:

SECTION 1. The town of Melrose is hereby authorized to issue bonds, notes or scrip to an amount not exceeding forty-five thousand dollars, for the purpose of refunding an equal amount of its town hall bonds, falling due in the month of October in the year eighteen hundred and ninety-two. Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. Said town may sell such securities at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the town.

May refund a portion of its town hall bonds.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO INCORPORATE THE PEOPLE'S STREET RAILWAY COMPANY.

Chap.220

Be it enacted, etc., as follows:

SECTION 1. Fred S. Carr, Benjamin F. Sherburne, Thomas Smith, Albert Smith, George Gilman, Otis G. Chase and Francis W. Noyes, their associates and successors, are hereby made a corporation under the name of

People's Street Railway Company incorporated.

the People's Street Railway Company ; with all the powers and privileges and subject to all the duties and liabilities set forth in all general laws that now are or hereafter may be in force relating to street railway companies, except as hereinafter provided.

Location, construction, and operation of railway.

SECTION 2. Said company is hereby authorized to construct, maintain and operate a street railway, with single or double tracks and with convenient and suitable turn-outs and switches, upon and over such streets and highways in the town of West Newbury and the city of Newburyport, between the present terminus of the railway of the Haverhill and Groveland Street Railway Company in West Newbury and the present terminus of the High street division, so-called, of the railway of the Newburyport and Amesbury Horse Railroad Company in Newburyport, as shall be approved and agreed to by the selectmen of West Newbury and the mayor and aldermen of Newburyport.

Motive power, etc.

SECTION 3. The company hereby incorporated is hereby authorized to operate its railway with horses, electricity, or any motive power which said selectmen or mayor and aldermen may from time to time permit, and may, with the consent of said selectmen or mayor and aldermen, make such underground alterations of the streets and highways and erect such poles and wires as may be necessary to establish and maintain any system of electric motive power which it may at any time adopt.

Capital stock and shares.

SECTION 4. The capital stock of said company shall not exceed one hundred thousand dollars, except that said company may increase its capital stock subject to all general laws applicable to such increase, and its capital stock may, for the number of miles of its railway between the termini mentioned in section two of this act, be not less than twenty-five hundred dollars per mile ; but for any extension beyond either of said termini its capital shall be not less than the amount per mile required by the general laws relating to street railways. The par value of its shares shall be one hundred dollars.

May issue bonds and mortgage its road and franchise.

SECTION 5. Said company may from time to time, by the vote of the majority in interest of its stockholders, issue coupon or registered bonds to an amount not exceeding the amount of its capital stock actually subscribed for and paid in, for a term not exceeding thirty years from the date thereof ; and to secure payment thereof with interest

thereon the said company may make a mortgage of its road and franchise and any part of its other property, and may include in such mortgage property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell or in due course of business otherwise dispose of property included in such mortgage which may become worn, damaged or otherwise unsuitable to be used in the operation of its road, provided that an equivalent in value shall be substituted in lieu thereof.

SECTION 6. All bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be certified as properly issued.

SECTION 7. The town of West Newbury is hereby authorized to subscribe for and hold shares in the capital stock of said company to an amount not exceeding ten thousand dollars, as said town may vote: *provided*, that two thirds of the legal voters of said town who may be present and voting thereon shall vote so to do at any legal meeting called for that purpose by the selectmen.

West Newbury may take stock not exceeding \$10,000.

SECTION 8. Said company may purchase or lease at any time any portion of the tracks or plant of any other street railway with which it may connect, and may at any time sell or lease its railway or any portion thereof or of its plant.

Purchase, lease or sale of railways, etc.

SECTION 9. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO AUTHORIZE FIRE DISTRICT NUMBER ONE OF SOUTH HADLEY TO MAKE AN ADDITIONAL WATER LOAN. Chap.221

Be it enacted, etc., as follows:

SECTION 1. Fire District Number One in the town of South Hadley is hereby authorized to borrow five thousand dollars, in addition to the thirty thousand dollars provided for by section three of chapter forty-six of the acts of the year eighteen hundred and ninety-two, for the purposes and in the manner therein specified.

May make an additional water loan.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO CHANGE THE NAME OF THE SOUTH ADAMS FIRE DISTRICT IN ADAMS AND TO ENABLE IT TO REFUND ITS INDEBTEDNESS. Chap.222

Be it enacted, etc., as follows:

SECTION 1. The name of the South Adams Fire District in Adams is hereby changed, and said district shall

Name changed to Adams Fire District.

hereafter be known as the Adams Fire District ; and under and by said name said district may sue and be sued in any contract or obligation made or incurred prior to the passage of this act.

Adams Fire
District Water
Scrip not to ex-
ceed \$115,000.

SECTION 2. The said Adams Fire District is hereby authorized and empowered to refund its present funded indebtedness ; and for that purpose the town of Adams, at any meeting duly warned and holden for that purpose, may vote to issue its notes, bonds, scrip or certificates of debt to an amount not exceeding one hundred and fifteen thousand dollars, the same to be denominated on the face thereof, Adams Fire District Water Scrip, and bearing such rate of interest not exceeding six per centum per annum as said meeting shall determine ; said interest shall be payable semi-annually and the principal shall be payable at periods not exceeding twenty years from the date of issue. All notes, bonds, scrip or certificates of debt issued as aforesaid shall be signed by the treasurer and countersigned by the selectmen, and a record of all such notes, bonds, scrip or certificates of debt shall be made and kept by said treasurer. The town of Adams may loan said notes, bonds, scrip or certificates of debt to the Adams Fire District, upon such terms and conditions as may be by said town prescribed ; and the said district may sell the same or any part thereof for the purposes aforesaid.

Town may loan
the bonds, etc.,
to the fire
district, etc.

Assessment and
collection of
taxes for the
payment of
bonds, etc.

SECTION 3. The town of Adams may assess and collect upon the estates, real and personal, in said fire district all taxes necessary to pay the principal and interest of the notes, bonds, scrip or certificates issued and loaned to said fire district as aforesaid. *Approved April 29, 1892.*

Chap. 223 AN ACT TO AUTHORIZE THE MASSACHUSETTS BAPTIST CHARITABLE SOCIETY TO RECEIVE AND HOLD THE PROPERTY NOW HELD BY THE LAMSON HOME.

Be it enacted, etc., as follows :

Massachusetts
Baptist Char-
itable Society
may hold the
property of the
Lamson Home.

SECTION 1. The Massachusetts Baptist Charitable Society is authorized and empowered to receive and hold the property now held by the Lamson Home, under the will of Eliza G. Lamson, late of Gloucester, which will was duly proved and allowed by the probate court for the county of Essex, on the fifth day of January in the year eighteen hundred and eighty-five, upon such trusts

and conditions as may be decreed by the supreme judicial court.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO PROVIDE FOR RECOUNTING BALLOTS CAST IN TOWNS
UPON THE QUESTION OF GRANTING LICENSES FOR THE SALE OF
INTOXICATING LIQUORS.

Chap.224

Be it enacted, etc., as follows:

If within two days next following the day on which declaration is made of the result of the count of ballots cast in a town upon the question of granting licenses for the sale of intoxicating liquors, ten or more qualified voters in such town shall file with the town clerk a written statement that they have reason to believe that an error was made in ascertaining or declaring the result of the count of the ballots cast upon said question, the clerk shall forthwith transmit such statement to the moderator. The moderator shall thereupon, and within three days following the day on which such declaration was made, publicly recount said ballots and declare the result. If the recount does not agree with the original count, the moderator shall forthwith file a certificate, signed by him, of the result of such recount, with the town clerk, who shall record the same in his book of records of town meetings, directly following his record of the meeting at which said ballots were cast; and the record of the recount shall stand as the true result of the vote cast in such town upon said question.

Recount of
ballots in towns
upon question
of granting
licenses for sale
of intoxicating
liquors.

Approved April 29, 1892.

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO REFUND A
PORTION OF ITS WATER FUND BONDS.

Chap.225

Be it enacted, etc., as follows:

SECTION 1. The town of Melrose is hereby authorized to issue bonds, notes or scrip to an amount not exceeding thirty-seven thousand dollars, for the purpose of refunding an equal amount of its water fund bonds, falling due in the month of October in the year eighteen hundred and ninety-two. Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the water commissioners of the town. Said town may sell

May refund a
portion of its
water debt
bonds.

such securities at public or private sale, but none of said bonds, notes or scrip shall be issued or sold except in compliance with a vote of the town.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

Chap.226 AN ACT TO AUTHORIZE THE WELLESLEY CONGREGATIONAL CHURCH TO REMOVE BODIES FROM A PORTION OF ITS OLD CEMETERY AND DEVOTE THE LAND TO THE USE OF THE CHURCH.

Be it enacted, etc., as follows:

Further interments, etc., in old cemetery prohibited.

SECTION 1. The further use of a portion of what is known as the old cemetery, adjoining the Wellesley Congregational church building in the town of Wellesley, namely: that portion bounded as follows, — commencing at the southeast corner of the cemetery at land of the church on Church street, as the fence now stands; thence running westerly on said Church street, about seventy-four feet to the westerly side of the first driveway; thence northerly on said driveway about seventy-nine feet; thence easterly and running about eighty-seven feet to a point on land occupied by said church building, one hundred feet from the point of beginning; thence southerly along the line of said last named land to the point of beginning on Church street, or of the tombs thereon, — for interment or the temporary deposit of the dead, is hereby prohibited.

Removal of remains, purchase of lots, etc.

SECTION 2. The time and manner of removing the remains therein, and the place to which they shall be taken, shall be determined by a mutual agreement between the Wellesley Congregational church and the known representatives of those who may have been buried there. The cost of removal, including the purchase of such lots as may be needed for the reception of said remains, shall be borne by said church.

Land in old cemetery to be subject to use by the church.

SECTION 3. Any or all of that portion of the land in said old cemetery of Wellesley described in section one of this act shall be devoted to such uses and purposes as the said church may elect.

Funds now held may be used for removal of bodies, etc.

SECTION 4. Any funds now held by said church, given or now used for cemetery purposes, may be used for removing bodies as aforesaid, providing a place therefor, and improving the same.

SECTION 5. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO AUTHORIZE THE EDISON ELECTRIC ILLUMINATING COMPANY OF BOSTON TO INCREASE ITS CAPITAL STOCK. *Chap.227*

Be it enacted, etc., as follows :

SECTION 1. The Edison Electric Illuminating Company of Boston, a corporation organized under the general laws of the Commonwealth, is hereby authorized to increase its capital stock in the manner provided by law, at such times and in such amounts as it may from time to time determine : *provided*, that the whole amount of the capital stock of said Edison Electric Illuminating Company of Boston shall not exceed five million dollars, said capital stock to be issued subject to the provisions of the general laws regarding the issue and payment of capital stock of such corporations ; and *provided, further*, that the capital stock in excess of three million dollars shall only be issued at such times and in such amounts as shall have been previously authorized by the board of gas and electric light commissioners, upon petition of said company and hearing on the same, and after an examination of the assets and liabilities of the company ; a certificate showing the amount of such increase so authorized by said board shall be forthwith filed in the office of the secretary of the Commonwealth.

May increase capital stock.

Proviso.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT RELATING TO CROSSINGS OF RAILROADS, STREET RAILWAYS, HIGHWAYS AND OTHER WAYS. *Chap.228*

Be it enacted, etc., as follows :

In any case in which the consent or approval of the board of railroad commissioners now is or hereafter may be required by law for the crossing of a railroad by another railroad, street railway, highway or other way, or for the crossing of a highway or other way by a railroad or street railway, or for any other crossing of or by a railroad, street railway, highway or other way, at grade, the said board after due notice and a hearing of the parties interested may, in case its consent or approval is given, impose such conditions, limitations, restrictions and regulations in respect to such crossing and the manner and use thereof, and may from time to time so change and modify the same, as, having primary regard to the public safety and convenience, said board may deem to be reasonable and necessary.

Railroad crossings to be subject to restrictions, etc., imposed by railroad commissioners.

Approved April 29, 1892.

Chap.229 AN ACT RELATING TO THE COMMITMENT OF INSANE PERSONS.*Be it enacted, etc., as follows :*P. S. 87, § 13.
amended.Certificate of
physicians for
commitment of
insane persons.

Section thirteen of chapter eighty-seven of the Public Statutes is hereby amended by striking out the words "is a graduate of some legally organized medical college, and has practised three years in the state, and neither of whom is", in the third, fourth and fifth lines of said section, and inserting in place thereof the words:—shall make oath that he is a graduate of a legally organized medical college, that he has practised three years in the state, and that he is not,—so as to read as follows:—

Section 13. No person shall be so committed, unless in addition to the oral testimony, there has been filed with the judge a certificate signed by two physicians, each of whom shall make oath that he is a graduate of a legally organized medical college, that he has practised three years in the state, and that he is not connected with any hospital or other establishment for treatment of the insane. Each must have personally examined the person alleged to be insane within five days of signing the certificate; and each shall certify that in his opinion said person is insane and a proper subject for treatment in an insane hospital, and shall specify the facts on which his opinion is founded. A copy of the certificate, attested by the judge, shall be delivered by the officer or other person making the commitment, to the superintendent of the hospital or other place of commitment, and shall be filed and kept with the order.

*Approved April 29, 1892.***Chap.230** AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.*Be it enacted, etc., as follows :*Additional
clerical assist-
ance.

SECTION 1. The register of probate and insolvency for the county of Suffolk shall be allowed, in addition to the amount now allowed by law, a sum not exceeding twenty-five hundred dollars per annum for clerical assistance actually performed, to be paid from the treasury of the county of Suffolk upon the official certificate of said register countersigned by the judge of probate and insolvency for said county.

SECTION 2. Chapter four hundred and eighteen of the acts of the year eighteen hundred and eighty-nine is hereby repealed. Repeal of 1889, 418.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO REDUCE WITNESS FEES AND OTHER COSTS WHERE TWO OR MORE CASES ARE TRIED TOGETHER. *Chap.231*

Be it enacted, etc., as follows:

In all cases where two or more cases are tried at the same time, in the supreme judicial, superior, or any police, municipal or district court, the presiding judge shall have power to reduce, in his discretion, the witness fees and other costs: *provided*, not less than the ordinary witness fees and other costs recoverable in one of the said cases tried shall be allowed. Reduction of witness fees, etc., in certain cases.

Approved April 29, 1892.

AN ACT TO PERMIT THE FOXBOROUGH WATER SUPPLY DISTRICT TO SUPPLY WATER TO RESIDENTS OF FOXBOROUGH OUTSIDE THE DISTRICT. *Chap.232*

Be it enacted, etc., as follows:

SECTION 1. The water commissioners of the Foxborough Water Supply District may extend water supply pipes or mains, and furnish and sell water to residents or inhabitants of the town of Foxborough living outside of the Foxborough Water Supply District, on such terms and conditions as are made with water takers within the district, in addition to the payment of the cost of such pipes and laying of same, so extended beyond the limits of the Foxborough Water Supply District, by residents or inhabitants so supplied. Residents of Foxborough living outside of the district may be supplied with water.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO ESTABLISH THE SALARY OF THE FIRST ASSISTANT DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT. *Chap.233*

Be it enacted, etc., as follows:

SECTION 1. The salary of the first assistant district attorney for the Suffolk district shall be thirty-three hundred dollars a year, and at the same rate for any part of a year. Salary established.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1892.

Chap.234 AN ACT TO INCREASE THE BOUNTY FOR THE DESTRUCTION OF SEALS.

Be it enacted, etc., as follows :

1888, 287, § 1,
amended.

Bounty for the
destruction of
seals.

Section one of chapter two hundred and eighty-seven of the acts of the year eighteen hundred and eighty-eight is amended by striking out, in the ninth line of said section, the words "one dollar", and inserting in place thereof the words : — three dollars, — so as to read as follows : —

Section 1. Any person who shall kill any seal within the limits of this Commonwealth, and shall under oath produce satisfactory evidence thereof, together with the tail of the seal killed, to the clerk of the city or town within whose limits the seal was killed, shall receive from the clerk of such city or town a certificate thereof stating the fact, and upon filing the said certificate with the city or town treasurer such person shall be paid out of the treasury of such city or town the sum of three dollars for each and every seal so killed.

Approved April 29, 1892.

Chap.235 AN ACT RELATING TO VOTING AT MEETINGS OF THE PROPRIETORS OF THE CROMBIE STREET CHURCH IN SALEM.

Be it enacted, etc., as follows :

Proprietors of
pews, etc.,
allowed to
vote.

SECTION 1. At meetings of the Proprietors of the Crombie Street Church in Salem, the proprietors of pews in such church and such other persons as may be admitted under the by-laws of the corporation shall be allowed to vote.

Repeal of 1833,
48, § 3.

SECTION 2. Section three of chapter forty-eight of the acts of the year eighteen hundred and thirty-three is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1892.

Chap.236 AN ACT TO AMEND AN ACT TO SUPPLY THE TOWN OF ORANGE WITH WATER.

Be it enacted, etc., as follows :

1892, 61, § 6,
amended.

SECTION 1. Section six of chapter sixty-one of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out, in the third line thereof, after the word "in", the following words "such annual proportionate payments as will", and inserting in place thereof the words : — annual payments of such amounts

as will in the aggregate, — so as to read as follows:—

Section 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for payment of loan in annual payments.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1892.

AN ACT TO AUTHORIZE THE NORTH ADAMS FIRE DISTRICT TO BORROW MONEY IN ANTICIPATION OF THE TAXES OF THE YEAR IN WHICH ITS DEBTS ARE INCURRED.

Chap.237

Be it enacted, etc., as follows:

The North Adams Fire District may by ordinary vote incur debts for temporary loans in anticipation of the taxes of the year in which such debts are incurred and expressly made payable therefrom by vote of the said fire district.

May borrow money in anticipation of taxes, etc.

Approved April 29, 1892.

AN ACT RELATIVE TO APPOINTMENTS ON THE STAFF OF THE COMMANDER IN CHIEF.

Chap.238

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven is hereby amended by adding, at the end thereof, the following words:— No person shall be eligible to appointment on the staff of the commander in chief who has not been in the service of the militia of this Commonwealth for at least one year, or been in the military or naval service of the United States, excepting the judge advocate general and the four aides-de-camp, — so that said section as amended shall read as follows:— *Section 11.* The staff of the commander in chief shall consist of an adjutant general, with the rank of major general, who shall be ex officio chief of staff; an inspector general, a quartermaster general, a commissary general, a surgeon general and a judge advocate general, each with the rank

1887, 411, § 11, amended.

Staff of the commander in chief.

of brigadier general, who shall take precedence in the order named; and four aides-de-camp, each with the rank of colonel; and such additional officers of the staff as the public service may require, with such rank as the commander in chief may designate. They shall be commissioned and hold office until their successors are appointed and qualified, but may be removed at any time by the commander in chief. In times of peace, unless otherwise directed by the commander in chief, the adjutant general shall be inspector general, quartermaster general, commissary general and chief of ordnance. No person shall be eligible to appointment on the staff of the commander in chief who has not been in the service of the militia of this Commonwealth for at least one year, or been in the military or naval service of the United States, excepting the judge advocate general and the four aides-de-camp.

Persons eligible
to appointment.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1892.

Chap. 239 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO ALTER AND
WIDEN WEST STREET IN SAID CITY.

Be it enacted, etc., as follows:

City of Brock-
ton may widen
West street,
etc.

Damages and
betterments.

Subject to ac-
ceptance by a
majority vote.

SECTION 1. The city council of the city of Brockton may alter and widen West street within its limits, from Pleasant to Belmont street, to such width as they shall deem for the common benefit of the inhabitants of said city, and may complete the same with walks, drives, trees and such other improvements as in their opinion shall be for the general benefit of said inhabitants; the land and property taken for such widening or alteration shall be paid for by the city, and the estates receiving benefit and advantage beyond the general advantage to all real estate in the city may be assessed therefor, under the provisions of chapter fifty-one of the Public Statutes; the widening and alteration of said West street and the grading of the same to be made in the same manner as is prescribed for the laying out, alteration and grading of public ways in said city.

SECTION 2. This act shall be submitted to the qualified voters of the city of Brockton for acceptance at the next annual municipal election held therein, and the affirmative vote of a majority of the voters present and voting thereon shall be required for its acceptance.

SECTION 3. So much of this act as authorizes the submission of the question of its acceptance to the voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted by the voters of said city as herein provided. *When to take effect.*

Approved May 2, 1892.

AN ACT TO AUTHORIZE THE TOWN OF NANTUCKET TO ELECT A *Chap.240*
BOARD OF SEWER COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Nantucket is authorized to elect by ballot at an annual town meeting, or at any special meeting of said town called for the purpose, a board of sewer commissioners, to consist of three persons; one person so elected shall hold his office until the annual meeting of said town occurring next after his election, one for the term of one year and one for the term of two years from the date of the last named annual meeting or until their successors are elected; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years or until his successor is elected. Said board, in all matters concerning drains and sewers, shall have the same powers and be subject to the duties, liabilities and penalties of selectmen and road commissioners. *Town of Nantucket may elect a board of sewer commissioners.*

SECTION 2. Debts incurred by the town of Nantucket in laying, constructing or maintaining sewers, and a system of sewage purification and disposal, and in purchasing or taking land therefor, shall be payable within a period not exceeding thirty years, but in all other respects shall be subject to the existing provisions of law as to town indebtedness. *Debts incurred for sewers, etc., to be payable within thirty years.*

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1892.

AN ACT TO PROVIDE FOR THE PRESERVATION OF THE PUBLIC *Chap.241*
HEALTH IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Nantucket may, for the purpose of abating a nuisance and preserving the public health in said town, acquire by purchase or take in the name and behalf of said town, a *May take certain land for preservation of the public health.*

certain tract or parcel of land and flats situate therein, bounded north by the steamboat wharf, east by land of the Nantucket Railroad Company, south by the Old North wharf, so-called, and west by South Water street; or such portion or portions thereof as the said board may from time to time deem necessary for said purposes.

To file in the
registry of
deeds a de-
scription of the
land taken, etc.

SECTION 2. The said board of selectmen shall file from time to time in the registry of deeds for the county of Nantucket, and cause to be recorded therein, a description of any lands or flats taken as aforesaid, as certain as is required in an ordinary conveyance of land, with a statement signed by said board or a majority thereof that the same are taken in the name and behalf of said town, under the provisions of this act; and the act and time of the filing thereof shall be deemed to be the act and time of the taking of such lands or flats, and to be sufficient notice to all persons that the same have been so taken. The title to all lands and flats so taken shall vest absolutely in said town and its assigns forever.

Settlement of
damages.

SECTION 3. The said board of selectmen shall have full power to settle, by agreement or arbitration, the amount of damages sustained by any person in his property by reason of the taking of any lands or flats as aforesaid; and if not so settled the same may be assessed by a jury at the bar of the superior court for the county of Bristol, upon petition to be filed by such person at any time within one year after such taking, and not afterwards. The provisions of sections sixty-five, sixty-six and seventy-six of chapter one hundred and sixty-seven of the Public Statutes shall apply to any such proceeding.

May fill land
and flats taken.

SECTION 4. The said town may from time to time fill with suitable material and otherwise improve any lands and flats acquired or taken as aforesaid, or any portion thereof, and shall abate any nuisance existing thereon, and may at any time thereafter sell and convey or otherwise dispose of the same or any portion thereof; but all filling and other work done upon any lands flowed by tide water shall be subject to the provisions of chapter nineteen of the Public Statutes.

Subject to ac-
ceptance by a
majority vote.

SECTION 5. This act shall take effect upon its acceptance by a majority of the legal voters of said town present and voting thereon at a town meeting duly called for that purpose within three years after its passage.

Approved May 2, 1892.

AN ACT IN RELATION TO ASSISTANT PROBATION OFFICERS FOR THE
MUNICIPAL COURT OF THE CITY OF BOSTON. *Chap.242*

Be it enacted, etc., as follows :

Section one of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the word "three", in the seventh line of said section, and inserting in place thereof the word :—five,—so as to read as follows :—

Section 1. The justice of each municipal, police or district court shall appoint one person to perform the duties of probation officer, as hereinafter named, under the jurisdiction of said court. The appointment of such officer for the municipal court of the city of Boston shall be made by the chief justice of said court, who may appoint as many assistants, not exceeding five, to said probation officer as are needed to carry out the purposes of this act. Each probation officer appointed as herein provided shall hold his office during the pleasure of the court making the appointment.

1891, §§ 6, § 1,
amended.

Appointment of
probation offi-
cers and assist-
ants.

Approved May 4, 1892.

AN ACT AUTHORIZING THE REIMBURSEMENT OF EXPENSES INCURRED
BY CERTAIN TOWNS IN THE MAINTENANCE OF THE INSANE. *Chap.243*

Be it enacted, etc., as follows :

Whenever it shall be made to appear to the governor and council that a town of this Commonwealth having a taxable valuation of less than five hundred thousand dollars, in the valuation of polls and estates established by the general court, is lawfully charged with the maintenance, at one of the state lunatic hospitals or asylums, of an insane person, by reason of such person having a legal settlement in such town, the expense hereafter incurred for such maintenance may be reimbursed such town in whole or in part from the state treasury.

Reimbursement
to certain towns
for maintenance
of the insane.

Approved May 4, 1892.

AN ACT TO CONFIRM THE PROCEEDINGS OF A MEETING OF THE
TOWN OF STOUGHTON. *Chap.244*

Be it enacted, etc., as follows :

SECTION 1. The vote of the town of Stoughton at a town meeting held on the twenty-fourth day of March in the year eighteen hundred and ninety-two, to purchase the franchise, corporate property and all the rights,

Proceedings at
town meeting
confirmed.

powers and privileges of the Stoughton Water Company, is hereby ratified, confirmed and made valid, notwithstanding any defect in the warning of said meeting in the designation of the act granting the right to make such purchase; and the proceedings of said meeting shall not be invalid by reason of any such defect.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1892.

Chap. 245 AN ACT TO GIVE GREATER POWERS TO CITIES AND TOWNS IN
RELATION TO THE CONSTRUCTION OF SEWERS.

Be it enacted, etc., as follows:

Certain cities
and towns may
fix annual
charges for
entering a sewer
into the com-
mon sewer.

SECTION 1. The city council of any city except Boston, or a town, in which common sewers are laid under the provisions of sections one, two and three of chapter fifty of the Public Statutes, or a system of sewerage is adopted under the provisions of section seven of said chapter, may by vote establish just and equitable annual charges or rents for the use of such sewers, to be paid by every person who enters his particular sewer into the common sewer, and may change the same from time to time. Such charges shall constitute a lien upon the real estate using such common sewer, to be collected in the same manner as taxes upon real estate, or in an action of contract in the name of such city or town. Sums of money so received may be applied to the payment of the cost of maintenance and repairs of such sewers or of any debt contracted for sewer purposes.

Application of
money so
received.

Assessment
upon real estate
for cost, ex-
penses, etc.

SECTION 2. Any city or town which is entitled to assess upon real estate the whole or a part of the cost of laying, making, maintaining or repairing common sewers, under sections four, seven or eight of chapter fifty of the Public Statutes, or under any special act, or under section one of this act, may, in cities by vote of the city council, and in towns by vote of the legal voters thereof at a meeting duly called, determine that such assessments shall be made by two or more of the methods provided in said sections or special acts, and may determine what part of the expense or estimated average cost shall be paid by each of the said methods.

Time of pay-
ment of assess-
ments upon cer-
tain estates.

SECTION 3. In any city or town in which common sewers have been laid, and a part of the expense thereof has been assessed upon the real estate benefited thereby,

the mayor and aldermen or selectmen, or the board whose duty it is to make such assessments, may extend the time of payment of assessments upon estates not built upon, when requested by the owner, until built upon or for a fixed time: *provided*, that interest at a rate not less than said city or town pays upon any loan for sewer purposes be paid annually upon the assessment from the time it was made; and in such case the assessment shall be paid within three months after such estate is built upon or after the expiration of such fixed time. If any assessment is invalid by reason of error or otherwise the same may be abated or reassessed. The owners of estates or parts of estates not liable to assessment, or not in fact assessed, may use the common sewers for the disposal of their sewage from said estates or parts of estates, on paying such reasonable sum as the mayor and aldermen, selectmen or board having control of the sewers shall determine, but not otherwise.

Provided.

Use of sewers by owners of estates not assessed.

SECTION 4. The mayor and aldermen of any city and the selectmen of any town in which common sewers have been laid, may lay, make and maintain particular sewers from common sewers to the street line, and particular sewers so laid shall be the property of the city or town. The owner of any estate benefited by such particular sewer shall pay to the city or town towards the cost thereof, and for the permanent privilege of using the same, such reasonable sum as the mayor and aldermen or selectmen may determine; and said sum may be fixed at the estimated average cost of all such particular sewers within the territory for which a system of sewers has been built or adopted. Said mayor and aldermen or selectmen may, if requested by the owner of any estate so to do, construct a particular sewer from the street line to any house or building and charge said owner the actual cost thereof; and may make rules and regulations for the construction and use of all particular sewers, and may impose penalties not exceeding twenty dollars for their violation.

Construction and maintenance of particular sewers, etc.

SECTION 5. Where estates abut upon more than one street or way assessments for sewers based wholly or in part upon frontage shall be assessed upon the frontage upon one such street or way and upon so much of such other street or streets as is not exempted by the board whose duty it is to make the assessments; and such board may exempt from assessment so much of the frontage on such other street or streets as they deem just and equitable.

Assessments upon estates upon more than one street, etc.

P. S. 29, § 8,
amended.

Payment of
debts within
certain periods.

Issue of
bonds, etc., for
refunding in-
debtedness.

Provisos.

Adoption of
preceding pro-
visions of this
act and of
P. S. 50.

Payment of
expense of lay-
ing sewers.

Sinking funds.

SECTION 6. Section eight of chapter twenty-nine of the Public Statutes is hereby amended by striking out in the fourth line of said section, the word "twenty", and inserting in place thereof the word:—thirty,—so as to read as follows:—*Section 8.* All debts mentioned in the preceding section shall be payable within the following periods: namely, debts incurred in supplying the inhabitants with water, within not exceeding thirty years; debts incurred in constructing sewers, within not exceeding thirty years; and all other debts within not exceeding ten years.

SECTION 7. Any city which has issued bonds or other evidences of indebtedness for debts incurred in the construction of a system of sewers, whether under the general law or under any special act, may issue bonds, notes, scrip or other evidences of indebtedness, for the purpose of replacing or refunding such bonds at any time before they become due: *provided*, such bonds shall not be made payable at a time more than thirty years from the date of issue of the bonds so replaced or refunded; and *provided, further*, that this act shall not be construed to authorize any city or town to create a larger total debt for sewer purposes than such city or town is otherwise authorized by law to create.

SECTION 8. Any city except Boston, and any town, which has laid or shall hereafter lay common sewers but has not prior to the passage of this act actually made and collected assessments upon real estate benefited thereby, may, if the city council of such city or the legal voters of such town so vote, adopt any or all of the preceding provisions of this act, and of chapter fifty of the Public Statutes, anything in any special act to the contrary notwithstanding.

SECTION 9. Any city except Boston, and any town, which adopts or has heretofore adopted a system of sewerage, and which has not actually laid assessments for the cost of such system, shall pay a part of the expense of laying, maintaining and repairing the common sewers, to be determined by the city council of cities and the selectmen of towns: *provided*, that the part to be paid by the city or town shall in no case be less than one quarter nor more than two thirds. And the amount required to be raised annually by taxation as a sinking fund, under chapter twenty-nine of the Public Statutes or acts in amendment thereof, for the purpose of extinguishing debts

incurred for the construction of such system, shall be estimated upon only so much of such indebtedness as is so determined to be paid by the city or town: *provided*, Proviso. that if, after the expiration of two years from the date of incurring such debts, the amounts received annually from assessments are not sufficient to create a sinking fund that will extinguish at maturity so much of such debts as is so determined to be paid by assessments, then such city or town shall raise annually by taxation a further sum sufficient to meet such deficiency in the preceding year.

SECTION 10. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT TO INCORPORATE THE MILLIS WATER COMPANY.

Chap. 246

Be it enacted, etc., as follows:

SECTION 1. Henry L. Millis, Moses Adams, Joseph W. Farwell, John S. Folsom, Alva L. Hollander, Charles R. Lane, their associates and successors, are hereby made a corporation by the name of the Millis Water Company, for the purpose of supplying the inhabitants of the town of Millis, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporation. Millis Water Company incorporated.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold the waters, or so much thereof as may be necessary, of Aqua Rex spring, so-called, or of any springs, streams or wells, or of any filter galleries or wells that may be constructed upon the shore of any pond or near to any spring or streams in the town of Millis, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the lands thus taken and held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective works; and may construct and lay down conduits, pipes and other works, under or over May take water from springs, etc.

May erect dams and structures.

May lay down conduits, pipes, etc.

May dig up
lands and ways.

any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel therein.

To file in registry of deeds a description of land, etc., taken.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Assessment and payment of damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act, but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Application for damages not to be made until water is actually taken.

May regulate use of water and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said town of Millis or any part thereof; may regulate the use of said water and fix and collect water rates to be paid for the use of the same. And said town or any individual or corporation may make such contracts with said water company, to supply water for the extinguishment of fires and for other purposes, as may be agreed upon by said town, individual or corporation, and

said Millis Water Company. And said water company may receive and hold an assignment of any contract already authorized and entered into by said town, or by any individual or corporation with any of the incorporators hereunder, for a supply of water for the extinguishment of fire and for other purposes, whereupon such contract shall be of full force and virtue, binding both the said town, individual or corporation, and said water company.

May contract to supply water for extinguishment of fires.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

Real estate.

Capital stock.

May issue bonds and secure by mortgage.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

Penalty for corrupting or diverting water, or injuring property.

SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased, by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

May fix by vote amount of water to be taken.

SECTION 9. The said town of Millis shall have the right at any time during the continuance of the charter hereby granted, to purchase the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town; and the said corpora-

Town of Millis may purchase franchise, etc.

Authority to
purchase sub-
ject to assent
by a two
thirds vote.

Town may
issue bonds,
etc., for pay-
ment of cost,
etc.

Payment of
principal and
interest.
Sinking fund.

tion is authorized to make sale of the same to the said town. In case said corporation and said town are unable to agree then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose.

SECTION 10. The said town may, for the purposes of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes or scrip shall bear on their face the words, Millis Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, and pledge the same for money borrowed for the purposes of this act, at not less than the par value thereof, upon such terms and conditions as it may deem proper. The said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity, by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulation to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purposes. If said town shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall without further vote of said town be raised annually by taxation, in the same manner as money is raised for other town expenses.

SECTION 11. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and, if none is established, whatever action has been taken for the payment of the annual proportion of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Returns required to state amount of sinking fund established, etc.

SECTION 12. The said town shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. The authority granted to the said town by this act and not otherwise specially provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its votes. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of the sinking fund.

Vacancies.

SECTION 13. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES BEYOND THE LIMIT FIXED BY LAW.

Chap. 247

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, for the purpose of constructing a system of sewerage and of sewage disposal, and for the purchase of lands necessary thereto, is hereby authorized to incur indebtedness to an amount not exceeding three hundred thousand dollars outside its debt limit, and to issue from time to time negotiable bonds, notes or scrip to said amount.

May incur indebtedness for sewerage purposes beyond the debt limit.

Brockton
Sewerage Loan.

SECTION 2. Said bonds, notes or scrip shall be payable within periods of not more than thirty years from their date of issue, shall be denominated on the face thereof, Brockton Sewerage Loan, and shall bear such rate of interest, not exceeding six per cent. per annum, as the city council may determine. Said city may sell said securities at public or private sale, or pledge the same for not less than their par value for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem proper, and may make a fixed proportion of the principal payable annually, and the sinking fund of any loan of the city may be invested therein.

Provisions of
P. S. 29, and
of 1884, 129, to
apply.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue and sale of said bonds, notes or scrip.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.248 AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE OFFICE OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

Be it enacted, etc., as follows :

Salary estab-
lished.

SECTION 1. The salary of the first clerk in the office of the board of commissioners of savings banks shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.249 AN ACT TO ESTABLISH THE SALARY OF THE SECOND CLERK IN THE OFFICE OF THE CHIEF OF THE DISTRICT POLICE.

Be it enacted, etc., as follows :

Salary estab-
lished.

SECTION 1. The salary of the second clerk in the office of the chief of the district police shall be one thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT TO AUTHORIZE THE CITY OF QUINCY AND THE TOWNS OF WEYMOUTH AND HINGHAM TO GRANT LOCATIONS TO STREET RAILWAY CORPORATIONS OVER WEYMOUTH FORE RIVER AND WEYMOUTH BACK RIVER. Chap.250

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Quincy shall have the same power and authority in said city, and the board of selectmen of the towns of Weymouth and Hingham shall have the same power and authority in their respective towns, to grant locations to street railway corporations over so much of the bridges, formerly belonging to the Hingham and Quincy Bridge and Turnpike Corporation, over the Weymouth Fore river and Weymouth Back river, so-called, as they now have in respect to any other public highway within the limits of said city or towns: *provided, however*, that any such location shall be subject to widening and such reasonable provisions regarding the strengthening of said bridges, and the maintaining and repairing of the same, as the trustees of said bridges shall prescribe. Locations of street railway corporations over rivers in Weymouth.

SECTION 2. Any person or corporation aggrieved by the provisions prescribed by said trustees, or by their failure to act within a reasonable time in the premises, may appeal to the board of railroad commissioners, who shall proceed to hear and examine said matter, and their decision upon the same shall be final. Persons aggrieved may appeal to the railroad commissioners.

Approved May 6, 1892.

AN ACT AUTHORIZING THE BOARD OF METROPOLITAN SEWERAGE COMMISSIONERS TO SELL CERTAIN PROPERTY TAKEN OR PURCHASED FOR SEWERAGE PURPOSES. Chap.251

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan sewerage commissioners may from time to time, and at public or private sale as they may deem best, dispose of any property, real or personal, no longer needed for the construction of the sewer authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof: *provided, however*, that such sale shall not impair the right to maintain, renew and operate said sewer. Commissioners may sell property not needed for construction of sewer.

SECTION 2. Real estate so sold may be conveyed, subject to such easements, reservations and restrictions as Real estate sold subject to easements, etc.

said board may deem necessary to secure the maintenance, renewal and operation of said sewer, by deed duly executed by said commissioners on behalf of the Commonwealth, with or without warranty.

Net proceeds of sales to be paid into the treasury, etc.

SECTION 3. The net proceeds of such sales, after deducting all necessary expenses incurred thereby, shall be paid into the treasury of the Commonwealth and shall be credited to and form a part of the fund known as the metropolitan sewerage loan fund authorized by the act aforesaid.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.252 AN ACT TO PROHIBIT THE SALE OF TROUT LESS THAN SIX INCHES IN LENGTH.

Be it enacted, etc., as follows :

Trout less than six inches in length not to be sold, etc., under penalty.

SECTION 1. Whoever sells or offers or exposes for sale in this Commonwealth, at any season of the year, any trout less than six inches in length shall forfeit ten dollars for each trout so sold or offered or exposed for sale.

Provisions of P. S. 91, § 26, not repealed.

SECTION 2. Nothing herein contained shall be so construed as to in any way repeal section twenty-six of chapter ninety-one of the Public Statutes.

Approved May 6, 1892.

Chap.253 AN ACT FOR RE-RECORDING CERTAIN RECORDS.

Be it enacted, etc., as follows :

Duplicate records in registries of deeds.

SECTION 1. The register of deeds in each county, and in each district of any county having more than one district, shall procure at the expense of the county and keep record books, to be called duplicate records, in which he shall make fair and legible copies of the record of any deed or other instrument existing in the registry of deeds for his county or district which has become worn or mutilated, or is becoming illegible or indistinct, whenever so directed by the county commissioners of such county, or whenever requested so to do by any person lawfully interested in preserving the record of such deed or instrument. He shall attest such copies, referring in his certificate of attestation to the book and page of original record, and shall make memorandum on the margin of the front page of the original record of such deed or instrument in his office, referring to the volume and page of the book of duplicate records upon which such copies are made.

SECTION 2. He shall receive, as fees for such copies and memoranda, the amount he would be entitled to receive for an original record of such deed or instrument, to be paid to him, when made by direction of the county commissioners, out of the county treasury, upon certificate of the county commissioners; when made by request of any other person, to be paid to him by the person requesting the making of such copy; and such copies, so attested, shall have the same force and effect as the original record.

Fees for copies, etc.

Approved May 6, 1892.

AN ACT REQUIRING STREET RAILWAY COMPANIES TO CONTRIBUTE TO THE EXPENSE OF PRINTING THEIR REPORTS.

Chap. 254

Be it enacted, etc., as follows:

The provisions of section eighty-two of chapter one hundred and twelve of the Public Statutes requiring railroad corporations to pay to the treasurer of the Commonwealth twenty dollars at the time of making their annual returns, to be appropriated to the payment of the expenses of printing and binding such returns, shall apply to all street railway companies in this Commonwealth, and each such company shall pay to said treasurer twenty dollars at the time of transmitting its annual report to the board of railroad commissioners.

Street railway companies to contribute to expense of printing their reports. P. S. 112, § 82.

Approved May 6, 1892.

AN ACT AUTHORIZING THE FURNISHING OF ONE HUNDRED DOLLARS WORTH OF BOOKS TO THE FREE LIBRARIES OF CERTAIN TOWNS WHOSE VALUATION DOES NOT EXCEED SIX HUNDRED THOUSAND DOLLARS.

Chap. 255

Be it enacted, etc., as follows:

The board of library commissioners may expend the sum of one hundred dollars for books for the free public library of any town whose valuation does not exceed six hundred thousand dollars, which maintained a free library before the passage of chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety, and which has fully complied or hereafter fully complies with the provisions of said act.

Contribution for books for free public libraries in certain towns. 1890, 347.

Approved May 6, 1892.

AN ACT MAKING THE RECORD OF INSTRUMENTS AFFECTING THE TITLE TO LAND CONCLUSIVE EVIDENCE OF DELIVERY.

Chap. 256

Be it enacted, etc., as follows:

The record of a deed, lease, power of attorney or other instrument duly acknowledged or proved in the manner

Record of deed, etc., to be conclusive evidence of delivery.

provided by law, and purporting to affect the title to lands, shall be conclusive evidence of the delivery of such instrument, in favor of purchasers for value without notice, claiming thereunder. *Approved May 6, 1892.*

Chap.257 AN ACT TO AUTHORIZE THE BRIDGEWATERS WATER COMPANY TO
ISSUE A NEW SERIES OF BONDS.

Be it enacted, etc., as follows:

Bridgewaters
Water Com-
pany may issue
bonds.

Proviso.

SECTION 1. The Bridgewaters Water Company may issue bonds, to become due and payable at periods not exceeding thirty years from date of issue, and bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage on its franchise, corporate property and rights, to an amount not exceeding one hundred and fifty thousand dollars: *provided*, that of said issue the amount of one hundred thousand dollars shall be reserved and used only to pay and retire the whole of the issue of like amount authorized by section six of chapter one hundred and ninety-two of the acts of the year eighteen hundred and eighty-seven.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.258 AN ACT TO AUTHORIZE THE TOWN OF NEEDHAM TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Town may
make an addi-
tional water
loan.

Proviso.

SECTION 1. The town of Needham, for the purposes mentioned in section five of chapter one hundred and seven of the acts of the year eighteen hundred and eighty-eight, may issue bonds, notes or scrip to be denominated on the face thereof, Needham Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Needham water loan by said town: *provided*, the whole amount of such bonds, notes or scrip issued by said town, together with those heretofore authorized to be issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and fifty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT REQUIRING CERTAIN RETURNS TO BE MADE TO THE BOARD
OF GAS AND ELECTRIC LIGHT COMMISSIONERS. *Chap. 259*

Be it enacted, etc., as follows:

SECTION 1. Whenever any town, or the city council of any city, shall vote upon the acceptance of the provisions of section one of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one, the clerk of such city or town shall forthwith forward to the board of gas and electric light commissioners a certified abstract of so much of the records of said city council or town as pertains to the acceptance of, or refusal to accept, the provisions of said section one.

Vote upon acceptance of 1891, 370, § 1, to be certified to the gas and electric light commissioners.

SECTION 2. Whenever in any city or town the votes contemplated by sections two or three of said chapter three hundred and seventy have been passed, and any subsequent votes are passed relative to establishing or purchasing a plant, or to reconstructing, extending or enlarging the same, or for the issue of bonds on account of the same, or concerning in any way the management or conduct thereof, or whenever any city or town shall adopt any ordinance or by-law concerning such plant, the clerk of said city or town shall within ten days after the passage of such vote, or the adoption of such ordinance or by-law, forward to the board of gas and electric light commissioners a certified copy of every such vote, by-law or ordinance.

Votes under 1891, 370, etc., to be certified to the commissioners.

SECTION 3. Whenever any city or town engaged in the business of selling gas or electric light, or both, to persons or corporations, shall fix or change the price of such light, the manager of gas or electric light in such city or town shall send to the board of gas and electric light commissioners a certified copy of the notice announcing such price or change.

Notice of price, etc., of light to be certified to the commissioners.

SECTION 4. Whenever a clerk of a city or town, or the manager of gas or electric light, fails or neglects to comply with the provisions of this act he shall forfeit for each offence a sum not exceeding twenty-five dollars.

Penalty.

SECTION 5. The provisions of this act and of section nine of said chapter three hundred and seventy, concerning books and accounts and returns, shall apply to any city or town authorized by special act to construct, purchase, lease, establish or maintain within its limits a plant for furnishing gas or electric light for municipal use or for the use of any of its inhabitants.

Provisions of law applicable to cities and towns authorized by special act to furnish gas or electric light.

Approved May 6, 1892.

Chap. 260 AN ACT RELATING TO THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES IN THEIR SERVICE.

Be it enacted, etc., as follows:

1887, 270, § 1,
amended.

Liability of employers to make compensation for personal injuries suffered by employees, etc.

SECTION 1. Section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven is hereby amended by adding at the end thereof the following words: — And in case such death is not instantaneous, or is preceded by conscious suffering, said legal representatives may in the action brought under this section, except as hereinafter provided, also recover damages for such death. The total damages awarded hereunder, both for said death and said injury, shall not exceed five thousand dollars, and shall be apportioned by the jury between the legal representatives and the persons, if any, entitled under the succeeding section of this act, to bring an action for instantaneous death. If there are no such persons then no damages for such death shall be recovered, and the damages, so far as the same are awarded for said death, shall be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable, — so as to read as follows: — *Section 1.* Where, after the passage of this act, personal injury is caused to an employee, who is himself in the exercise of due care and diligence at the time: — (1) By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or (2) By reason of the negligence of any person in the service of the employer, entrusted with and exercising superintendence, whose sole or principal duty is that of superintendence. (3) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad, the employee, or in case the injury results in death the legal representatives of such employee, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor en-

gaged in its work. And in case such death is not instantaneous, or is preceded by conscious suffering, said legal representatives may in the action brought under this section, except as hereinafter provided, also recover damages for such death. The total damages awarded hereunder, both for said death and said injury, shall not exceed five thousand dollars, and shall be apportioned by the jury between the legal representatives and the persons, if any, entitled under the succeeding section of this act, to bring an action for instantaneous death. If there are no such persons then no damages for such death shall be recovered, and the damages, so far as the same are awarded for said death, shall be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable.

SECTION 2. Section three of said act as amended by chapter one hundred and fifty-five of the acts of the year eighteen hundred and eighty-eight, is hereby further amended by inserting before the word "the", in the first line thereof, the following words:— Except in actions brought by the personal representatives under section one of this act to recover damages for both the injury and death of an employee,—and by inserting after the word "death", in the third line thereof, the following words:— which follows instantaneously or without conscious suffering,— so as to read as follows:— *Section 3.* Except in actions brought by the personal representatives under section one of this act to recover damages for both the injury and death of an employee, the amount of compensation receivable under this act in cases of personal injury shall not exceed the sum of four thousand dollars. In case of death which follows instantaneously or without conscious suffering, compensation in lieu thereof may be recovered in not less than five hundred and not more than five thousand dollars, to be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable; and no action for the recovery of compensation for injury or death under this act shall be maintained, unless notice of the time, place and cause of the injury is given to the employer within thirty days, and the action is commenced within one year, from the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing, signed by the person injured or by some

1887, 270. § 3,
1888, 155. § 1,
amended.

Amount of com-
pensation
receivable, etc.

one in his behalf; but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in said section, he may give the same within ten days after such incapacity is removed, and in case of his death without having given the notice and without having been for ten days at any time after his injury of sufficient capacity to give the notice, his executor or administrator may give such notice within thirty days after his appointment. But no notice given under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury: *provided*, it is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

To take effect
January 1, 1893.

SECTION 3. This act shall take effect on the first day of January in the year eighteen hundred and ninety-three.

Approved May 6, 1892.

Chap.261 AN ACT PROVIDING FOR THE COLLECTION OF WATER RATES BY THE CITY OF LYNN.

Be it enacted, etc., as follows:

Water board to
fix water rates
subject to
approval by the
city council, etc.

SECTION 1. The public water board of the city of Lynn is authorized and empowered to charge rates to takers and users of all water originating from its public supply, and for any and all uses thereof, provided such rates are approved by the city council. The rates at present established by said water board are hereby legalized, subject to the right of change as provided in this act.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.262 AN ACT REQUIRING THE SECRETARY OF THE COMMONWEALTH TO GIVE A BOND AND REPORT ANNUALLY THE TRANSACTIONS OF HIS OFFICE.

Be it enacted, etc., as follows:

Secretary of the
Commonwealth
to give a bond.

SECTION 1. The secretary of the Commonwealth shall give to the treasurer and receiver-general a bond, with sufficient sureties to be approved by the governor and council, conditioned upon his satisfactorily accounting for all moneys which shall come into his hands in his offi-

cial capacity as said secretary. He may appoint a cashier Cashier.
for whose conduct he shall be accountable.

SECTION 2. He shall annually in the month of January submit to the general court a report of the transactions of his office during the year ending on the last day of the preceding month, in addition to such special reports as he is now by law required to make. Said report shall be numbered as one of the series of public documents and fifteen hundred copies thereof shall be printed annually. To make annual report to the legislature.

Approved May 6, 1892.

AN ACT RELATING TO THE RETURNS TO BE MADE TO THE BOARD Chap. 263
OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. Each gas or electric light company neglecting to make the annual return to the board of gas and electric light commissioners, as required by law, on or before the second Wednesday of September in any year, shall forfeit in each case for such neglect, as follows: for the first fifteen days or any portion thereof, five dollars a day; for the second fifteen days or any portion thereof, ten dollars a day; and for each and every day thereafter while such neglect shall continue, not exceeding fifteen dollars a day; and if any company unreasonably refuses or neglects to make such report or return it shall forfeit for every such refusal or neglect a sum not exceeding five hundred dollars. Penalty on gas and electric light companies for refusal or neglect to make annual return.

SECTION 2. All forfeitures recovered under section one of this act shall be paid into the treasury of the Commonwealth and applied towards the payment of the expenses of said board of commissioners. Forfeitures to be applied to payment of expenses of board.

Approved May 6, 1892.

AN ACT RELATIVE TO THE BLASTING OF ROCKS IN THE CITY OF Chap. 264
BOSTON.

Be it enacted, etc., as follows:

Section two of chapter two hundred and one of the acts of the year eighteen hundred and sixty-eight is amended by striking out the last three lines of said section and inserting in place thereof the following: — of the provisions of this act, or of any license granted as aforesaid, shall for each offence pay a fine of not less than ten dollars nor more than one hundred dollars, — so as to read as fol- 1868, 201, § 2, amended.

Penalty for
violation of
provisions, etc.

lows:— *Section 2.* Any person who shall, either by himself, his servant or agent, or by any person in his employ, violate any of the provisions of this act, or of any license granted as aforesaid, shall for each offence pay a fine of not less than ten dollars nor more than one hundred dollars.

Approved May 6, 1892.

Chap.265

AN ACT TO AUTHORIZE THE ESSEX ELECTRIC STREET RAILWAY COMPANY TO LEASE ITS RAILWAY, FRANCHISES AND OTHER PROPERTY TO THE NAUMKEAG STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

May lease its
property to the
Naumkeag
Street Railway
Company.

SECTION 1. The Essex Electric Street Railway Company is hereby authorized to lease its railway, franchises and other property to the Naumkeag Street Railway Company, for a term not exceeding ninety-nine years, on such terms as may be agreed upon by the directors and stockholders of said corporations.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.266

AN ACT IN RELATION TO PROCEDURE UPON WRIT OF ERROR OR SIMILAR PROCEEDINGS IN CRIMINAL CASES.

Be it enacted, etc., as follows:

Procedure
upon writ of
error, etc.

Upon writ of error or other proceeding, brought to reverse or avoid a conviction of a criminal offence, or to obtain the discharge of a person held in custody thereunder, the fact that such person was under the age of seventeen years at the time of the conviction shall not be deemed material, and shall not affect the validity of the conviction, nor entitle the person to be discharged.

Approved May 6, 1892.

Chap.267

AN ACT TO AUTHORIZE THE GRADING AND CLASSIFYING OF PRISONERS IN THE STATE PRISON.

Be it enacted, etc., as follows:

Grading and
classifying of
prisoners in the
state prison, etc.

SECTION 1. The commissioners of prisons, with the approval of the governor and council, may provide for grading and classifying the prisoners in the state prison, and with the same approval may establish rules for dealing with them according to their conduct and industry.

Repeal of 1891,
372.

SECTION 2 Chapter three hundred and seventy-two of the acts of the year eighteen hundred and ninety-one is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT RELATING TO SPECIAL JUSTICES OF INFERIOR COURTS. *Chap.268*
Be it enacted, etc., as follows:

SECTION 1. Whenever a special justice of a police, district or municipal court sits in the trial of a case, holds an inquest, or certifies a bill of costs to a county or town treasurer, he shall state or cause to be stated upon the record the fact which gives him jurisdiction to act.

Certification of bill of costs, etc., by special justices, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT TO AUTHORIZE HORACE S. CROWELL TO BUILD CAUSEWAYS OR BRIDGES IN THE TOWN OF FALMOUTH. *Chap.269*

Be it enacted, etc., as follows:

SECTION 1. Horace S. Crowell may build and maintain a causeway or bridge from Long Neck, so-called, in the town of Falmouth, across tide water to Devil's Foot island or Ram island, so-called, in said town, and may build and maintain a causeway or bridge from said Devil's Foot island across tide water to said Ram island, subject to the provisions of chapter nineteen of the Public Statutes and acts in amendment thereof and in addition thereto. Said causeways or bridges may be built with or without draws, as may be determined by the board of harbor and land commissioners.

Horace S. Crowell may build causeways, etc., in town of Falmouth.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT RELATING TO THE PAYMENT FOR LABOR PERFORMED ON BUILDINGS OR PUBLIC WORKS OWNED BY CITIES OR TOWNS. *Chap.270*

Be it enacted, etc., as follows:

SECTION 1. A person to whom a debt is due for labor performed in constructing any building, sewer, drain, water works or other public works owned by a city or town, under a contract with any person other than such city or town, having authority from or rightfully acting for such city or town in furnishing such labor, shall have a right of action against such city or town to recover such debt with costs, except as hereinafter provided.

Right of action for payment for labor in construction of certain public works.

SECTION 2. No person who has contracted to furnish labor in such construction, other than his own, shall have such right of action by virtue of this act.

Not to have such right for labor other than his own.

SECTION 3. No such person shall have such right of action for labor performed, unless within thirty days after

Written statement to be filed, etc.

ceasing to perform it he files in the clerk's office of the city or town against which he claims such right of action, a written statement, under his oath, of the amount of the debt so due him, and the names of the parties or persons for whom and by whose employment the labor was performed. Such right of action shall not be lost by a mistake in stating the amount due, but the claimant shall not recover as damages a larger amount than is named in said statement as due him, with interest thereon.

Action to be commenced within sixty days.

SECTION 4. No such action shall be maintained unless commenced within sixty days after the plaintiff ceased to perform such labor.

Approved May 6, 1892.

Chap.271 AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows :

Fifteen associate justices of the superior court.

SECTION 1. The number of associate justices of the superior court shall be fifteen instead of thirteen as now provided by law.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.272 AN ACT TO AUTHORIZE THE TOWN OF NEWBURY TO CONSTRUCT AND MAINTAIN A WHARF AT THE PUBLIC LANDING OF SAID TOWN ON THE RIVER PARKER.

Be it enacted, etc., as follows :

Town may maintain a wharf, etc.

SECTION 1. The town of Newbury is hereby authorized to construct and maintain a wharf in and over tide water at the public landing of said town on the River Parker, subject to the provisions of chapter nineteen of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

Chap.273 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO ERECT A TRUANT SCHOOL.

Be it enacted, etc., as follows :

County commissioners to build one or more truant schools, etc.

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required to erect one or more truant schools, and may borrow on the credit of said county, and expend for such purpose a sum not exceeding fifty thousand dollars, which sum shall be paid as follows : one fifth out of the taxes of the year eighteen

hundred and ninety-three, and one fifth out of the taxes of each succeeding year until said loan is fully paid.

SECTION 2. Upon the completion of said school or schools the commissioners shall return a certified statement of their personal expenses incurred in connection with said work to the controller of county accounts, who shall audit and certify the same to the treasurer of said county, who shall pay them for such expenses from the treasury of said county.

Return of and payment for personal expenses.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT PLACING RESTRICTIONS UPON THE ERECTION OF ELECTRIC LIGHT WIRES. *Chap.274*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and eighty-two of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out all after the word "in", in the second line of said section, and inserting in place thereof the following words: — the manufacture and sale of electric light, no other person, firm or corporation shall lay, erect, maintain or use, over or under the streets, lanes and highways of such city or town, any wires for use in conveying electricity for lighting, without the consent of the mayor and aldermen of such city, or selectmen of such town, after a public hearing and notice to all parties interested, — so as to read as follows: — *Section 3.* In any city or town in which a company is engaged in the manufacture and sale of electric light, no other person, firm or corporation shall lay, erect, maintain or use, over or under the streets, lanes and highways of such city or town, any wires for use in conveying electricity for lighting, without the consent of the mayor and aldermen of such city, or selectmen of such town, after a public hearing and notice to all parties interested.

1887, 382, § 3, amended.

Laying, erecting, etc., electric light wires in certain cities and towns.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1892.

AN ACT TO PREVENT THE ACQUISITION OF RIGHTS OF WAY ACROSS RAILROADS BY PRESCRIPTION. *Chap.275*

Be it enacted, etc., as follows:

No right of way across any railroad track or location which is in use for railroad purposes shall hereafter be

Rights of way across railroads.

acquired by prescription; but nothing herein contained shall affect any existing right of way.

Approved May 6, 1892.

Chap.276 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A WOMAN AS ASSISTANT PROBATION OFFICER IN THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

A woman may be appointed to act as an assistant probation officer, etc.

SECTION 1. The chief justice of the municipal court of the city of Boston may appoint a woman to act as assistant to the probation officer, under the jurisdiction of said court, and may, subject to the approval of the commissioners of public institutions of said city, determine her compensation, which shall be paid from the treasury of the county of Suffolk upon vouchers approved by said justice and said commissioners

Duties.

SECTION 2. It shall be the duty of said assistant probation officer to investigate the cases of all women against whom a criminal charge is brought in said court, and to perform such other duties as may be required of her by the justices of said court.

To hold office during pleasure of chief justice; penalty.

SECTION 3. Said assistant probation officer shall hold her office during the pleasure of said chief justice, and shall also be liable, for refusal or neglect to perform her duty, to the penalty named in section eight of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one.

Approved May 6, 1892.

Chap.277 AN ACT TO AUTHORIZE THE MANAGERS OF THE BOSTON SEAMEN'S FRIEND SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold, etc., additional real and personal estate.

SECTION 1. The Managers of the Boston Seamen's Friend Society are hereby authorized to hold real and personal estate to an amount not exceeding two hundred thousand dollars, and to mortgage, sell and convey the same or any part thereof, if necessary, so as to best answer the purpose of said corporation.

Acts and proceedings ratified.

SECTION 2. All acts and proceedings of said Managers of the Boston Seamen's Friend Society, under and by virtue of chapter one hundred and eight of the acts of the year eighteen hundred and sixty-seven, are hereby ratified and confirmed.

Approved May 6, 1892.

AN ACT TO PRESERVE THE PURITY OF THE WATERS OF SPOT POND. *Chap. 278*

Be it enacted, etc., as follows :

SECTION 1. For the purpose of maintaining the purity of the waters of Spot pond used as a source of water supply by the city of Malden and the towns of Medford and Melrose, and in order that the said city and towns may better guard and protect the waters of the said pond from pollution, so long as the said pond shall be used by the said city and towns, or by either of them, as a storage basin and water supply, and until otherwise provided by statute, all the public right and control which the Commonwealth has in the great pond known as Spot pond in the towns of Stoneham and Medford are hereby granted and relinquished unto the said city of Malden and the towns of Medford and Melrose, with power to prevent all persons and animals from entering in, upon or over the said pond.

Rights of Commonwealth granted to Malden, Medford and Melrose, with power to prevent pollution of water.

SECTION 2. The officers or agents of said municipalities who are vested, under the provisions of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, with the general regulation and control of the waters of said pond, together with the selectmen of the town of Stoneham, are hereby constituted a joint board which is authorized to establish rules from time to time to regulate the entering in and upon the waters of said pond, so far as they may deem necessary for maintaining their purity as a source of domestic water supply; and may appoint servants or agents with authority to enforce the same. And any person violating such rules shall be deemed guilty of a trespass and fined not less than ten dollars nor more than fifty dollars for each offence. In all actions of said joint board under this section the aforesaid representatives of each municipality present at any meeting of said joint board shall collectively be entitled to one vote.

Joint board established, powers and duties.

Penalties.

SECTION 3. The state board of health, on application by the representatives in said joint board of any of the above-mentioned four municipalities, within thirty days after the receipt by them of a copy of any rules adopted by said officers or agents, may inquire into and rescind any rule or regulation which said board shall determine unreasonable; but said rules and regulations shall remain of full force and effect until thus rescinded.

Regulations to be under supervision of the state board of health, etc.

When town, etc., ceases to use the water, rights to be vested in remaining towns, etc.

SECTION 4. Whenever either the said city of Malden or said towns of Medford or Melrose shall cease to use the said pond as a storage basin and water supply, the right hereby granted shall pass to and vest in the remaining city or towns continuing such use.

SECTION 5. This act shall take effect upon its passage.

Approved May 9, 1892.

Chap. 279 AN ACT TO PROVIDE FOR VOTING FOR ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Be it enacted, etc., as follows:

Grouping of names of presidential electors on ballots, etc.

SECTION 1. The names of candidates for the offices of electors of president and vice-president of the United States shall be arranged in groups, and shall be printed upon the ballots in two adjacent columns of equal width, with the name and place of residence of one of the candidates at large at the head of each column, and the names and places of residence, including the numbers of the congressional districts, of the other candidates following in the numerical order of said districts. The initial letters of the names of such candidates shall be in capitals not less than one eighth nor more than one quarter of an inch in height. The surnames of the candidates of each political party for the offices of president and vice-president of the United States, with the party or political designation at the right of the names, shall be printed in one line at right angles with the length of the ballot, in capital letters not less than three sixteenths of an inch in height, above the respective groups of candidates for electors. There shall be left at the right of the party or political designation a sufficient clear margin or square in which each voter may designate by a cross mark [X] his choice for electors; and no other clear margin or space shall be left in any such group of candidates. Such groups of candidates shall be arranged in the alphabetical order of the surnames of the candidates nominated for president. There shall be left at the end of such groups of candidates as many blank spaces as there are persons to be elected to the offices of electors.

Marking of ballot for the purpose of voting for presidential electors, etc.

SECTION 2. A voter who desires to vote for an entire group of candidates for electors shall place a cross mark [X] in the square at the right of the party or political designation immediately above such group, and such cross mark [X] shall count as a vote for all the candidates in

such group. If a voter does not desire to vote for a candidate in a group for which he marks, he may erase the name of such candidate, and the cross mark [X] shall count as a vote for all of the other candidates in such group. When a voter desires to vote for another person, in place of a candidate whose name he has erased, he may insert in one of the blank spaces at the end of the groups of candidates for electors the name of the person of his choice, and place a cross mark [X] in the square at the right of such name; if the name erased is that of a candidate at large the other name must be inserted in one of the unnumbered blank spaces, otherwise in the blank space having the same number as the name erased. A voter who does not mark for any group of candidates may vote for one or for several candidates for electors by inserting a name or names in one or more of the blank spaces at the end of the groups of electors, and placing a cross mark [X] in the square at the right of each name. The marks against names inserted in the blank spaces shall be counted as now provided by law.

Approved May 9, 1892.

AN ACT IN RELATION TO THE GRANTING OF LICENSES FOR THE SALE OF INTOXICATING LIQUOR IN TOWNS WHICH ARE SUMMER RESORTS. Chap. 280

Be it enacted, etc., as follows:

SECTION 1. The proviso contained in the last twelve lines of section one of chapter three hundred and forty of the acts of the year eighteen hundred and eighty-eight is hereby repealed, and the following is substituted therefor: — *provided*, that in towns having an increased resident population during the summer months the selectmen may, on or before the fifteenth day of May in any year, apply to the chief of the bureau of statistics of labor to have an enumeration made of the temporary or summer residents of such towns. The said chief upon being thus requested shall proceed to make such enumeration, from the twenty-third to the twenty-eighth day of June next following, under such rules as he shall establish. No person who has not been a resident of such town for a period of at least three days preceding the enumeration shall be regarded as a temporary or summer resident thereof. The chief of the bureau of statistics of labor is authorized to employ for this temporary service such

1888, 340, § 1,
amended.

Granting of
licenses for the
sale of intoxic-
ating liquor in
certain towns
which are sum-
mer resorts.

Granting of
licenses for the
sale of intoxi-
cating liquor in
certain towns
which are sum-
mer resorts.

number of persons as may be necessary, who shall in all cases be residents of the town, if suitable and competent persons can be found. If not then said chief may employ non-residents. The said chief shall report the total number of such temporary or summer residents to the selectmen of the town on or before the twenty-eighth day of June aforesaid. All expenses incurred in making this special enumeration of the inhabitants of any town shall be paid out of the state treasury. The state treasurer shall thereupon issue his warrant, as provided in section thirty-one of chapter eleven of the Public Statutes, requiring the assessors of such town to assess a tax to the amount of the expenses incurred in making this special enumeration, and the sum shall be collected and paid over to the state treasurer, in the same manner that other state taxes are levied and paid. The selectmen may, during the month of June, receive applications for such licenses and investigate and publish the same; and may grant one such license for each five hundred of such temporary resident population, not including the permanent inhabitants of such town, as ascertained by said special enumeration, to take effect on the first day of July and to expire on the first day of October next following, but no such licenses shall be granted unless the town at its last annual town meeting has voted "Yes", in answer to the question, "Shall licenses for the sale of intoxicating liquor be granted in this town?"; *provided, further*, that no such special enumeration shall be made and no such special licenses shall be granted in towns having more than five thousand permanent residents, as ascertained by the last preceding state or national census.

Penalty.

SECTION 2. Any selectman or member of a licensing board or census enumerator who violates the provisions of this act shall be punished by a fine of not less than five hundred dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1892.

Chap. 281 AN ACT TO PROVIDE FOR OPERATING THE CHARLES RIVER VALLEY
SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

Maintenance,
etc., of the
Charles river
valley system
of sewerage.

SECTION 1. For the purpose of providing for the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Newton and Waltham,

and the towns of Watertown and Brookline, known as the Charles river valley system, there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-six thousand five hundred dollars during the year eighteen hundred and ninety-two; a sum not exceeding twenty-six thousand five hundred dollars during the year eighteen hundred and ninety-three; a sum not exceeding twenty-seven thousand dollars during the year eighteen hundred and ninety-four, and a sum not exceeding twenty-eight thousand dollars during the year eighteen hundred and ninety-five.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1892.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF GOSHEN. Chap. 282

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual town meeting of the town of Goshen held on the seventh day of March in the year eighteen hundred and ninety-two, so far as relates to the adoption of the provisions of chapter two hundred and sixty-four of the acts of the year eighteen hundred and ninety and the election of commissioners under the same, are hereby ratified, confirmed and made valid. Proceedings of town meeting confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1892.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF WILLIAMSBURG. Chap. 283

Be it enacted, etc., as follows:

The proceedings of the annual town meeting of the town of Williamsburg held on the seventh day of March in the year eighteen hundred and ninety-two, and any adjournment thereof, shall not be invalid by reason of the omission in the warrant calling such meeting of a specification of the time of opening the polls and the time of closing the same. Proceedings of town meeting confirmed.

Approved May 9, 1892.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF BELCHERTOWN. Chap. 284

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the annual town meeting of the town of Belchertown held on the seventh day Proceedings of town meeting confirmed.

of March in the year eighteen hundred and ninety-two, and any adjournment thereof, shall not be invalid by reason of the omission in the warrant calling such meeting of a specification of the time of opening the polls and the time of closing the same

Election of constables confirmed.

SECTION 2. The election of the five constables chosen at said town meeting is hereby ratified and confirmed.

Approved May 9, 1892.

Chap.285 AN ACT RELATIVE TO THE DUTIES OF THE SUPERINTENDENT OF SCHOOLS OF THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

Superintendent of schools not to act as secretary of school board unless directed.

SECTION 1. The superintendent of schools of the city of Marlborough shall not act as secretary of the school board of said city unless so directed by said board.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1892.

Chap.286 AN ACT TO ESTABLISH THE SALARY OF THE ASSOCIATE MEDICAL EXAMINER FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The salary of the associate medical examiner for the county of Suffolk shall be six hundred and sixty-six dollars a year, to be paid from the treasury of said county and to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1892.

Chap.287 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT STATE LIBRARIAN AND CLERK OF THE BOARD OF EDUCATION.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The assistant state librarian and clerk of the board of education shall receive an annual salary of three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1892.

Chap.288 AN ACT IN RELATION TO THE ISSUE OF BONDS FOR FURNISHING THE COURTHOUSE FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

City of Boston to issue bonds for furnishing the court house, upon request of the commissioners.

SECTION 1. Upon the request of the commissioners appointed by the mayor of the city of Boston in relation to the erection of a courthouse for the county of Suffolk, it shall be the duty of said city to issue and negotiate

bonds or certificates of indebtedness described in section five of chapter three hundred and seventy-seven of the acts of the year eighteen hundred and eighty-five, to an amount not exceeding one hundred thousand dollars in addition to the amount authorized by chapter one hundred and one of the acts of the year eighteen hundred and eighty-seven. The commissioners may in their discretion expend the amount of the proceeds of said bonds in furnishing said courthouse; but they shall not expend more than said amount unless such excess of expenditure shall first have been authorized by the city council of the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1892.

AN ACT IN RELATION TO THE FILING FOR RECORD OF CLAIMS
AGAINST REAL ESTATE.

Chap. 289

Be it enacted, etc., as follows:

SECTION 1. No judgment or decree hereafter rendered, at law or in equity, affecting the title of real estate, shall have any effect as against persons other than the parties thereto and their heirs and devisees and persons having actual notice thereof, unless a certified copy of the record thereof shall have been recorded in the registry of deeds for the county or district within which the land lies, together with a memorandum setting forth the name of the city or town in which the real estate is situated and giving a description of the real estate sufficiently accurate for identification, in case the record of the judgment or decree does not give those particulars: *provided, however,* that in case a notice of the pendency of the action has been duly recorded in the registry of deeds it shall be sufficient to cause the record hereby required, to be made within sixty days after the rendition of the judgment or decree.

Judgment, etc., affecting title to real estate not to have effect unless copy of record thereof is recorded in registry of deeds, etc.

Provided.

SECTION 2. In case of an ordinary attachment of real estate, the entry made by the register of deeds upon the records of the registry required by law shall be deemed to be notice of the pendency of an action within the provisions of this act.

Entry upon records of registry to be deemed to be notice of pending of action.

Approved May 9, 1892.

AN ACT TO REQUIRE CITY AND TOWN CLERKS TO NOTIFY THE
COMMISSIONERS OF PRISONS OF THE APPOINTMENT OF CERTAIN
POLICE OFFICERS.

Chap. 290

Be it enacted, etc., as follows:

SECTION 1. The clerk of each city or town in which a chief of police or city marshal is appointed, shall, within

Name of chief of police to be returned.

one week after such appointment, notify the commissioners of prisons of the name of the person so appointed.

Names of police officers, etc., to be returned.

SECTION 2. The clerk of each town not having a chief of police shall, on the first day of October in each year, send to the commissioners of prisons the names of all the police officers and constables in such town.

Penalties for refusal or neglect. 1882, 226, § 2.

SECTION 3. Any officer who refuses or neglects to perform the duty required of him by this act, shall be liable to a penalty of fifty dollars; and any officer who refuses or neglects to make to said commissioners the reports required by section two of chapter two hundred and twenty-six of the acts of the year eighteen hundred and eighty-two, shall be liable to a like penalty.

Approved May 9, 1892.

Chap.291 AN ACT TO ESTABLISH THE SALARY OF THE COMMISSIONER OF STATE AID APPOINTED BY THE GOVERNOR AND COUNCIL.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The commissioner of state aid appointed by the governor and council shall receive from the treasury of the Commonwealth an annual salary of twenty-five hundred dollars, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1892.

Chap.292 AN ACT TO AUTHORIZE THE WIDENING OF WALTER STREET IN THE CITY OF BOSTON, AND THE TAKING OF A PART OF A PRIVATE BURIAL GROUND THEREFOR.

Be it enacted, etc., as follows:

Street commissioners may widen Walter street in Boston.

SECTION 1. The board of street commissioners of the city of Boston may, in that part of Boston known as West Roxbury, widen Walter street on its easterly side to a width not exceeding sixty feet from the present westerly line thereof, and may take therefor a strip of land from the burial ground located on the easterly side of said street, near Weld street, and shall, at the expense of the city of Boston, remove the remains of the dead, if any there be, in the part so taken, to some other part of said burial ground or to some other cemetery; and said board shall determine, and said city shall pay, all damage sustained by any person or corporation in property by such taking.

Remains of the dead to be removed.

SECTION 2. Said board or any person or corporation Damages. sustaining damages as aforesaid by any taking otherwise than by purchase made under authority of this act, if they fail to agree as to the amount of the damages so sustained, may within one year after such taking file in the office of the clerk of the superior court for the county of Suffolk a petition for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages so sustained shall be determined by a jury in said court, in the same manner as damages for lands taken for highways in said city are determined, and costs shall be taxed as in civil cases.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1892.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PROCURE AND PREPARE FOR PUBLIC USE ONE OR MORE OPEN SPACES IN SAID CITY.

Chap. 293

Be it enacted, etc., as follows:

SECTION 1. The city of Boston, for the purposes of procuring and preparing for public use such open spaces in said city as said city may from time to time deem expedient, to be used for open air meetings, playgrounds or other similar purposes, may authorize the city treasurer of said city to issue from time to time, as the mayor of said city may request, bonds or certificates of indebtedness, payable in not exceeding fifty years from their date, and bearing interest payable semi-annually at a rate not exceeding four per centum per annum, to be fixed by said treasurer with the approval of the mayor.

City may issue bonds for procuring, etc., open spaces therein for use of open air meetings, playgrounds, etc.

SECTION 2. Said treasurer shall sell such bonds or certificates as issued, and retain the proceeds thereof in the treasury of the city and pay therefrom the expenses incurred for the purposes aforesaid: *provided, however,* that he shall pay over to the board of commissioners of the sinking funds of said city any premiums received by him in the sale of such bonds or certificates; and said board shall place all amounts so paid by said treasurer in the sinking fund for the payment of the loan hereby authorized.

Treasurer to sell bonds and retain proceeds in the treasury.

Proviso.

SECTION 3. Whenever said city shall have authorized the city treasurer to issue bonds or certificates of indebtedness, as provided in the preceding sections, the street commissioners of said city, with the approval of the mayor,

Street commissioners with approval of the mayor may take lands in fee, etc.

may take in fee, by purchase or otherwise, such lands of a total assessed value not exceeding two thirds of the amount so authorized as shall be determined by said city, and may agree with the persons owning such lands as to the damages to be paid by the city therefor, and said city, by such agency as it may determine, shall expend the balance of the proceeds of the bonds or certificates of indebtedness remaining after such lands have been paid for, in constructing or preparing such lands for use.

To cause to be recorded in registry of deeds a description of lands taken, etc.

SECTION 4. Said commissioners shall, within sixty days from the time when they shall take any lands under this act, cause to be recorded in the office of the register of deeds for the county of Suffolk a description of the lands so taken, as certain as is required in a common conveyance of land, with a statement of the purpose for which such lands are taken, said description and statement to be signed by said board.

Damages.

SECTION 5. The damages for the land so taken shall be paid by the city from the proceeds of the bonds or certificates hereinbefore provided for, and the city or any person whose property is taken, if they cannot agree, as hereinbefore provided, upon the damages, may have the same determined in the same manner as damages for property taken in laying out highways in said city are determined.

SECTION 6. This act shall take effect upon its passage.

Approved May 12, 1892.

Chap. 294 AN ACT TO AUTHORIZE THE TOWN OF CLINTON TO INCREASE ITS WATER SUPPLY AND TO INCUR INDEBTEDNESS THEREFOR.

Be it enacted, etc., as follows:

May take waters of Waushacum lake for increase of water supply.

SECTION 1. The town of Clinton, for the purposes provided in chapter ninety-eight of the acts of the year eighteen hundred and seventy-six and acts in amendment thereof or in addition thereto, is hereby authorized to take and convey into and through said town the waters of Waushacum lake in the town of Sterling, and the waters flowing into the same, and to take and hold by purchase or otherwise any land, and to build and maintain any structures necessary for that purpose.

Exercise of rights, power and authority.

SECTION 2. The rights, powers and authority given by this act shall be exercised for the town of Clinton through the same officers as are authorized to exercise the rights, powers and authority given by said chapter ninety-

eight, and the said town shall be entitled to all the rights and subject to all the duties and liabilities set forth in said chapter, to be enforced in the manner therein provided.

SECTION 3. For the purpose of defraying all costs and expenses incident to the acts herein authorized, including the payment for land and water rights taken, the said town of Clinton shall have authority to borrow from time to time such sums of money, and to issue therefor notes, bonds or scrip signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated the Clinton Water Loan, as said town shall deem necessary, to an amount not exceeding one hundred thousand dollars, upon the same terms and conditions and with the same authority in regard to interest and the sale of said notes, bonds or scrip, and the payment of the principal thereof, and the appropriation and assessment of money for the payment of the principal and the interest on the moneys so borrowed, as are contained in the fourth section of said chapter ninety-eight.

Clinton Water
Loan not to
exceed \$100,000.

SECTION 4. The town of Clinton instead of taking the entire waters of said Waushacum lake may, if it shall so elect, take a part of said waters. Such election shall be made by the legal voters of said town by a vote declaring the quantity or proportion of said waters they propose to take, to be passed not less than three months before the waters shall be withdrawn from said lake; with all the above granted rights and powers for preserving the purity of said waters and for conveying them to the town. And in case the said town elects to take only a portion of said water as aforesaid it shall be responsible in damages for such partial taking only. Notice of the election of the town to take the portion of the waters of said lake herein permitted and prescribed shall be given by filing a copy of the vote of the town making such election, in the registry of deeds for the Worcester district of the county of Worcester three months before any water shall be withdrawn from said lake.

Town may take
a part only of
the waters of
the lake, etc

Copy of vote of
taking water to
be filed in
registry of
deeds.

SECTION 5. The town of Clinton, at any time not less than five years after exercising the election provided in the preceding section, and at any subsequent time not less than five years from a previous election, may, by a vote of the town, take for the use of said town from the waters of said lake an additional supply, by filing a copy of said vote in the registry of deeds aforesaid three months before

May take addi-
tional supply
after five years,
etc.

the additional amount shall be withdrawn from said lake, with the powers and privileges contained in the second section of this act; and said town shall be liable in damages only for the additional amount they may thus elect to take.

Reliable means
for measuring
water taken to
be provided, etc.

SECTION 6. It shall be the duty of the town to provide some reliable means or method of measuring and registering the amount of water taken from said lake, such register or record to be accessible at all times to any interested parties; and if the owner of any water rights in the waters of said lake shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers to be appointed, upon the application of either party, by any justice of the supreme judicial court or superior court.

Town may
make tender for
damages, etc.

SECTION 7. In every case of a claim for damages as provided herein the town of Clinton may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the same, with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender or such payment into court and not afterwards, unless he shall recover greater damages than were so offered, and the said town shall be entitled to recover its costs afterwards unless the complainant shall recover greater damages than were so offered.

When and how
to take effect.

SECTION 8. This act shall take effect upon its passage; but nothing shall be done nor any expenditure made nor liability incurred under the same, except for preliminary surveys and estimates, unless this act shall first be accepted by vote of two thirds of the legal voters of said town present and voting thereon at a legal meeting called for that purpose within five years from the passage of this act; and the number of meetings called for that purpose in any one year shall not exceed two.

Approved May 12, 1892.

Chap. 295 AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Salary estab-
lished.

SECTION 1. The salary of the treasurer of the county of Norfolk shall be eighteen hundred dollars a year, to be

so allowed from the first day of January in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1892.

AN ACT RELATING TO THE MANUFACTURE AND SALE OF CLOTHING
MADE IN UNHEALTHY PLACES.

Chap. 296

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the word "or", in the fourth line thereof, and by inserting after the word "overcoats", in the same line, the following words: — or any wearing apparel of any description whatsoever intended for sale, — and also by adding at the end of said section the following words: — and every person finishing said garments or articles of wearing apparel in any room or place used as a dwelling as aforesaid shall, before beginning such work, procure a license approved by the chief of the district police, upon the recommendation of the inspectors especially appointed for the enforcement of the provisions of this act, — so as to read as follows: — *Section 1.* Whenever any house, room or place used as a dwelling, is also used for the purpose of carrying on any process of making, altering, repairing or finishing for sale any ready-made coats, vests, trousers, overcoats or any wearing apparel of any description whatsoever intended for sale, it shall, within the meaning of this act, be deemed a workshop: *provided, however,* that the exercise of such work in a private house or private room, by the family dwelling therein or by any of them, shall not of itself constitute such house or room a workshop within this definition; every such workshop shall be kept in a cleanly state and shall be subject to the provisions of this section; and each of said garments made, altered, repaired or finished for sale in any of such workshops shall be subject to the inspection and examination of the inspectors of the district police, for the purpose of ascertaining whether said garments, or any of them, or any part or parts thereof, are in cleanly condition and free from vermin and every matter of an infectious and contagious nature; and every person so occupying or having control of any workshop as aforesaid shall, within fourteen days from the passage of this act or from the time of be-

1891, 257, § 1,
amended.

Dwelling house
where clothing
is manufactured
to be deemed a
workshop.

Provided.

To be kept in a
cleanly state,
and garments
subject to
inspection.

Notice to be
given by pro-
prietor, etc.

License to be
procured, etc.

ginning work in any workshop as aforesaid, notify the chief of the district police or the special inspector appointed for that purpose, of the location of such workshop, the nature of the work there carried on and the number of persons therein employed; and every person finishing said garments or articles of wearing apparel in any room or place used as a dwelling as aforesaid shall, before beginning such work, procure a license approved by the chief of the district police, upon the recommendation of the inspectors especially appointed for the enforcement of the provisions of this act.

1891, 357, § 2,
amended.

SECTION 2. Section three of said chapter is hereby amended by striking out the word "or", in the fourth line, and by inserting after the word "overcoats", in said line, the following words:—or any wearing apparel as mentioned in section one of this act,—so as to read as follows:—*Section 3.* Whenever it shall be reported to said inspector, or to the chief of the district police, or to the state board of health, or either of them, that ready-made coats, vests, trousers, overcoats or any wearing apparel as mentioned in section one of this act, are being shipped to this Commonwealth, having previously been manufactured in whole or in part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin, or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the state board of health, which board shall thereupon make such order or orders as the safety of the public shall require.

Clothing
shipped to this
Commonwealth
to be inspected,
etc.

1891, 357, § 4,
amended.

SECTION 3. Section four of said chapter is hereby amended by striking out the word "or", in the second line, and by inserting after the word "overcoats", in said line, the following words:—or any wearing apparel,—and also by inserting after the word "written", in the seventh line, the following words:—the words "Tenement made", and,—so as to read as follows:—*Section 4.* Whoever knowingly sells or exposes for sale any ready-made coats, vests, trousers, overcoats or any wearing apparel, which have been made in a tenement house used as a workshop, as specified in section one of this act, shall have affixed to each of said garments a tag or label, not less than two inches in length and one inch in width, upon

Label to be
attached to
tenement-made
clothing.

which shall be legibly printed or written, the words "Tenement made", and the name of the state and the city or town where said garment or garments were made.

Approved May 12, 1892.

AN ACT TO INCORPORATE THE KONKAPOT VALLEY RAILROAD COMPANY. *Chap. 297*

Be it enacted, etc., as follows:

SECTION 1. Henry L. Langham, James H. Lyles, H. Dwight Sisson, their associates and successors, are hereby made a corporation by the name of the Konkapot Valley Railroad Company; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Konkapot Valley Railroad Company incorporated.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, from some convenient point in or near the village of Mill River in the town of New Marlborough, thence running southerly along the valley of the Konkapot river through said town to the line of the state of Connecticut.

Location, construction, etc.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars nor be less than fifty thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 4. For the purpose of locating, constructing or equipping said railroad, said company may mortgage its road, equipment and franchise to any amount not exceeding ten thousand dollars per mile for every mile of its roadbed hereby authorized to be located and constructed. Said mortgage shall be given to secure the bonds of said railroad, which shall be issued in conformity with the provisions of chapter one hundred and twelve of the Public Statutes.

May mortgage its road, etc.

SECTION 5. The said railroad company is hereby authorized to make with the Housatonic Railroad Company, a corporation existing under the laws of the state of Connecticut, or with any other railroad corporation whose railroad now or hereafter shall connect with said Konkapot valley railroad as hereafter located, such leases or operating contracts as the directors of each corporation may agree to, and as may be approved by a majority of the stockholders of each at a meeting duly called for the purpose.

May make leases or operating contracts with connecting railroads.

To be located
within two
years and con-
structed within
four years.

SECTION 6. This act shall take effect upon its passage, and shall become void unless said railroad is located within two years and constructed within four years after the passage hereof.

Approved May 12, 1892.

Chap. 298 AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows:

Salaries estab-
lished.

SECTION 1. The salaries of the county commissioners for the county of Plymouth shall be twenty-seven hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and ninety-two

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the sixth day of May, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

Chap. 299 AN ACT AUTHORIZING THE WASHINGTON MILLS COMPANY TO INCREASE ITS CAPITAL STOCK AND REDEEM ITS PREFERRED STOCK.

Be it enacted, etc., as follows:

May increase
capital stock.

SECTION 1. The Washington Mills Company is hereby authorized to increase its general capital stock to an amount not exceeding four million dollars.

May redeem its
preferred stock.

SECTION 2. Said company may at any time, with the consent of the holders thereof, redeem the whole or any part of its preferred stock issued under authority of chapter eighty-nine of the acts of the year eighteen hundred and ninety: *provided*, that no part thereof shall be redeemed at any time when the debts of said company exceed the amount of its general capital actually paid in.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1892.

Chap. 300 AN ACT RELATING TO THE RECORD AND RETURN OF MARRIAGES.

Be it enacted, etc., as follows:

P. S. 146, § 24,
amended.

Section twenty-four of chapter one hundred and forty-five of the Public Statutes is hereby amended by inserting in the third line of said section, after the word "make", the words: — and keep, — by striking out, in the fifth line, the words "by law", by inserting after the word "recorded", in said fifth line, the words: — by section one of chapter thirty-two of the Public Statutes, — by striking out the word "each", in the sixth line of said

section, and inserting in place thereof the word :— the, — by striking out all after the word “month”, in said sixth line, to and including the word “solemnized”, in the tenth line, and inserting in place thereof the following words :— following each marriage solemnized by him, return each certificate issued under the provisions of sections sixteen and seventeen of this chapter, to the clerk or registrar who issued the same ; and if the marriage was solemnized in a city or town other than the place or places in which the parties to the marriage resided, — by striking out, in the eleventh line, the words “of the record of such marriage”, and inserting in place thereof the following words :— of the certificate, or of either certificate in case two were issued, — by striking out all after the word “town”, in the twelfth line, to and including the word “places”, in the fourteenth line, and inserting in place thereof the following words :— in which the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the place and date of marriage, and shall be attested by the signature of the person who solemnized the same, with his official station and residence added thereto, — by striking out the word “marriages”, in said fourteenth line, and inserting in place thereof the words :— certificates or copies, — by inserting after the word “registrar”, in the fifteenth line, the words :— receiving the same, — and by inserting after the word “the”, in said fifteenth line, the words :— record and, — so as to read as follows :— *Section 24.* Every justice of the peace, minister, and clerk or keeper of the records of a meeting wherein marriages among Friends or Quakers are solemnized shall make and keep a record of each marriage solemnized before him, or in such meeting, and of all facts relating to the marriage which are required to be recorded by section one of chapter thirty-two of the Public Statutes. He shall also, between the first and tenth days of the month following each marriage solemnized by him, return each certificate issued under the provisions of sections sixteen and seventeen of this chapter, to the clerk or registrar who issued the same ; and if the marriage was solemnized in a city or town other than the place or places in which the parties to the marriage resided, return a copy of the certificate, or of either certificate in case two were issued, to the clerk or registrar of the city or town in which the marriage was solemnized.

Amendments to
P. S. 145, § 24.

Records and
returns of
marriages.

Each certificate and copy so returned shall contain a statement giving the place and date of marriage, and shall be attested by the signature of the person who solemnized the same, with his official station and residence added thereto. All certificates or copies so returned shall be recorded by the clerk or registrar receiving the same, and every person neglecting to make the record and returns required by this section shall forfeit for each neglect not less than twenty nor more than one hundred dollars.

Approved May 17, 1892.

Chap.301 AN ACT TO AUTHORIZE THE TOWNS OF WEST STOCKBRIDGE, RICHMOND, EGREMONT, SHEFFIELD AND NEW MARLBOROUGH TO RECEIVE AID FROM THE STATE TREASURY FOR THEIR SCHOOLS.

Be it enacted, etc., as follows:

Certain towns may receive aid from the state treasury for their schools.

The union of the towns of West Stockbridge, Richmond, Egremont, Sheffield and New Marlborough, under chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight, for the purpose of employing a school superintendent, shall be entitled to receive for the present year the state aid provided by said act, irrespective of the failure of the town of West Stockbridge, by reason of a reduction in the number of its schools, to raise the proportionate amount of money required by section three of said act.

Approved May 17, 1892.

Chap.302 AN ACT RELATING TO SENTENCES TO THE MASSACHUSETTS REFORMATORY.

Be it enacted, etc., as follows:

Sentences to the Massachusetts reformatory for offences punishable in the state prison.

SECTION 1. Whoever is sentenced to the Massachusetts reformatory, as provided in section one of chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-six, for an offence punishable by imprisonment in the state prison, may be held in said reformatory for a term not exceeding five years, or if sentenced for a longer term than five years, may be so held for such longer term.

For offences not punishable in the state prison.

SECTION 2. Whoever is sentenced to said reformatory for any offence that is not punishable by imprisonment in the state prison, may be held in said reformatory for a term not exceeding two years.

Repeal of 1886, 323, §§ 2, 3.

SECTION 3. Sections two and three of chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-six are hereby repealed.

Approved May 17, 1892.

AN ACT RELATING TO THE AGE OF PERSONS SENTENCED TO THE MASSACHUSETTS REFORMATORY. *Chap. 303*

Be it enacted, etc., as follows :

Section five of chapter four hundred and twenty-seven of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "or", in the fifth line thereof, the words:— if such person is not above thirty-five years of age he may be punished by imprisonment,— so as to read as follows:— *Section 5.* If a male person is convicted of drunkenness by the voluntary use of intoxicating liquor, he may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year; or, if such person is not above thirty-five years of age, he may be punished by imprisonment in the Massachusetts reformatory, as provided by chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-six. If a female person is so convicted she may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year, or in the reformatory prison for women for not more than two years: *provided, however,* that if the person so convicted shall satisfy the court or trial justice, by his own statement or otherwise, that he has not been arrested for drunkenness twice before within the twelve months next preceding, or that having been so arrested he has been tried and acquitted in one of the cases, his case may be placed on file. *Approved May 17, 1892.*

1891, 427, § 5,
amended.

Punishment of
drunkenness.

Proviso.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER EXPENSES AUTHORIZED BY LAW. *Chap. 304*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other expenses authorized by law, to wit:—

Appropriations.

For indexing the files and records in the office of the register of probate for the county of Hampshire, a sum not exceeding four hundred and fifty dollars, as authorized by chapter one hundred and seventeen of the acts of the present year, the same to be in addition to the one hun-

Register of
probate for
county of
Hampshire.

dred and fifty dollars appropriated by chapter two of the acts of the present year.

Chief of the
district police.

For the salary of the chief of the district police, a sum not exceeding five hundred dollars, as authorized by chapter one hundred and twenty-eight of the acts of the present year, the same to be in addition to the two thousand dollars appropriated by chapter ten of the acts of the present year.

State library,
index of
current events.

For the preparation for the state library of an index of current events, a sum not exceeding one thousand dollars, as authorized by chapter one hundred and forty of the acts of the present year.

First clerk of
secretary of the
board of
agriculture.

For the salary of the first clerk of the secretary of the state board of agriculture, a sum not exceeding four hundred dollars, as authorized by chapter one hundred and forty-three of the acts of the present year, the same to be in addition to the twelve hundred dollars appropriated by chapter eleven of the acts of the present year.

State firemen's
association.

For the Massachusetts state firemen's association, the sum of ten thousand dollars, as authorized by chapter one hundred and seventy-seven of the acts of the present year.

Right of dis-
charge of sew-
age from the
reformatory
prison for
women.

For the payment for the right to discharge the sewage from the reformatory prison for women into the main sewer of the system of sewage disposal in the town of Framingham, the sum of eight thousand five hundred dollars, and for the payment of the percentage agreed upon by the Commonwealth toward the cost of maintaining and operating said system of sewage disposal, from the first day of July in the year eighteen hundred and ninety-one to the thirty-first day of December in the year eighteen hundred and ninety-two, the sum of nine hundred dollars, as authorized by chapter two hundred and eleven of the acts of the present year.

Executive
council.

For travelling expenses of the executive council, a sum not exceeding five hundred dollars, the same to be in addition to the five hundred dollars appropriated by chapter eleven of the acts of the present year.

Luther F.
Chamberlain.

For Luther F. Chamberlain, the sum of one hundred and fifty dollars, as authorized by chapter twenty-four of the resolves of the present year.

Widow of
Hamilton B.
Staples.

For the widow of the late Hamilton B. Staples, the sum of two thousand and fifty-six dollars and forty-five cents, as authorized by chapter twenty-five of the resolves of the present year.

For certain improvements at the state almshouse at Tewksbury, a sum not exceeding eleven thousand dollars, as authorized by chapter twenty-seven of the resolves of the present year.

State almshouse
at Tewksbury.

For repairs and improvements at the Lyman school for boys at Westborough, a sum not exceeding ten thousand nine hundred dollars, as authorized by chapter thirty of the resolves of the present year.

Lyman school
for boys.

For printing the special report of the state board of agriculture on the work of the extermination of the ocneria dispar or gypsy moth, the sum of two hundred and seventy-five dollars and twenty cents, as authorized by chapter thirty-one of the resolves of the present year.

Extermination
of the gypsy
moth.

For finishing and furnishing the new dormitory at the state normal school at Worcester, a sum not exceeding six thousand dollars, as authorized by chapter thirty-two of the resolves of the present year.

State normal
school at
Worcester.

For certain repairs and improvements at the Taunton lunatic hospital, a sum not exceeding fifty-five thousand dollars, as authorized by chapter thirty-three of the resolves of the present year.

Taunton lunatic
hospital.

For rooms for the use of the civil service commissioners, a sum not exceeding five hundred and fifty dollars, as authorized by chapter thirty-four of the resolves of the present year, the same to be in addition to the nine hundred dollars appropriated by chapter thirty of the acts of the present year.

Civil service
commissioners.

For Betsey Worthington, the sum of two hundred dollars, as authorized by chapter forty-five of the resolves of the present year.

Betsey Worth-
ington.

For printing and distributing copies of the map showing the division of the Commonwealth into congressional districts, a sum not exceeding one hundred and seventy-five dollars, as authorized by chapter forty-six of the resolves of the present year.

Map of con-
gressional
districts.

For the town of Manchester, the sum of two thousand two hundred and seventy-two dollars and seven cents, as authorized by chapter forty-eight of the resolves of the present year.

Town of
Manchester.

For repairing damage caused by fire at the state primary school at Monson, the sum of ten thousand dollars, as authorized by chapter forty-nine of the resolves of the present year.

State primary
school at
Monson.

For the enlargement and repair of the state lunatic hos-

State lunatic
hospital at
Northampton.

pital at Northampton, a sum not exceeding fifty thousand dollars, as authorized by chapter fifty of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1892.

Chap.305 AN ACT CONCERNING RECORDS OF BIRTHS, DEATHS AND MARRIAGES.
Be it enacted, etc., as follows :

Correction of
errors in
records, etc.

SECTION 1. Whenever the records of any city or town do not contain the facts relating to a birth, death or marriage which occurred therein, or whenever such facts are not fully or correctly stated on such records, the clerk or registrar of such city or town may receive a deposition, under oath, containing such facts as are desired for record, and shall then file said deposition and record said facts in a book to be kept for that purpose, stating in addition thereto the name and residence of the deponent and the date of such record. The clerk or registrar shall keep such book separate and apart from the official records of his office, and may certify to the facts contained therein: *provided, however*, that such certificate shall state in addition to all the facts so recorded that the certificate is issued in accordance with the provisions of this act.

Correction of
clerical errors,
and making of
new copies.

SECTION 2. A clerk or registrar shall not alter or amend the record of any former clerk or registrar, nor any record made while he is in office, except to correct a clerical error made by himself or some person under his direction. Whenever it is deemed expedient to make a new copy of any earlier records, each page shall be verified and signed by the clerk or registrar, and such record while preserved in proper custody shall have the same force and effect as the original record.

Penalty for
false return.

SECTION 3. Any person who shall make a false return in regard to any birth or death shall be liable to a fine not exceeding fifty dollars.

Approved May 17, 1892.

Chap.306 AN ACT TO AUTHORIZE THE PROPRIETORS OF OAK GROVE CEMETERY ASSOCIATION TO CONVEY ITS PROPERTY TO THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows :

May convey its
property to the
town of
Plymouth.

The proprietors of the Oak Grove cemetery association at a meeting called for the purpose, by notice published in the newspapers called the Old Colony memorial and

Plymouth free press at least seven days before said meeting, may, by a two thirds vote of those present and voting, authorize the trustees of said association or a majority of the same, to convey to the inhabitants of Plymouth in their corporate capacity all the right, title and interest in and to all the lands, buildings and other property belonging to said association. The principal or income of any property which may be now or hereafter payable to said Oak Grove cemetery association or its authorities shall be paid under the same terms and conditions to the said inhabitants.

Approved May 17, 1892.

AN ACT TO CHANGE THE NAME OF THE PROTESTANT GERMAN EVANGELICAL PARISH IN PITTSFIELD. **Chap.307**

Be it enacted, etc., as follows:

SECTION 1. The name of the Protestant German Evangelical Parish in the city of Pittsfield is hereby changed to the Zion's Evangelical Lutheran Church. Name changed.

SECTION 2. All devises, bequests, conveyances and gifts heretofore or hereafter made to said corporation by either of said names shall vest in the Zion's Evangelical Lutheran Church. Devises, etc., to vest in the Zion's Evangelical Lutheran Church.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1892.

AN ACT TO CONFIRM THE PROCEEDINGS OF CERTAIN TOWN MEETINGS OF THE TOWN OF TYNGSBOROUGH. **Chap.308**

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the special town meeting of the town of Tyngsborough held on the twenty-first day of March in the year eighteen hundred and ninety-two, to see if the said town would accept the provisions of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety, shall not be invalid for the reason that the tellers were not sworn as provided by law. Proceedings of town meeting confirmed.

SECTION 2. The proceedings of the annual town meeting of the town of Tyngsborough for the election of town officers, held on the fourth day of April in the year eighteen hundred and ninety-two, shall not be invalid for the reason that the meeting was dissolved before the votes for certain town officers had been completely counted, canvassed and declared. Proceedings confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1892.

Chap. 309 AN ACT TO AUTHORIZE THE QUINCY AND BOSTON STREET RAILWAY COMPANY TO LOCATE ITS TRACKS IN THE TOWNS OF WEYMOUTH AND MILTON, AND IN A CERTAIN PORTION OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

May construct,
maintain and
use railway in
Weymouth.

Proviso.

SECTION 1. The Quincy and Boston Street Railway Company is hereby authorized to construct, maintain and use a railway, with convenient single or double tracks, upon and over such streets, highways and bridges in the town of Weymouth as shall be from time to time fixed and determined by the selectmen of said town: *provided, however,* that if the Weymouth and Hingham Street Railway Company shall, on or before the first day of May of the current year, commence the construction of its railway from the boundary line of the city of Quincy, upon the bridge over Weymouth Fore river to North street in the town of Weymouth, and shall substantially construct and put in operation its railway between said points prior to the first day of June of the current year, then the Quincy and Boston Street Railway Company shall not make any application to the selectmen of the town of Weymouth for a location of tracks; and in no event shall any application be made until after the first day of said May; but if the Weymouth and Hingham Street Railway Company shall fail to comply with any of the provisions above set forth, at the times aforesaid, then the Quincy and Boston Street Railway Company shall have the right to immediately make application to said selectmen for locations in that portion of the town of Weymouth known as North Weymouth, but shall not in any event make applications for locations in other portions of the town of Weymouth until after the first day of October in the year eighteen hundred and ninety-two.

May construct,
maintain and
use railway in
Milton.

SECTION 2. The Quincy and Boston Street Railway Company is hereby authorized to construct, maintain and use a railway, with convenient single or double tracks, upon and over such streets and highways in the town of Milton as shall be from time to time fixed and determined by the selectmen of said town of Milton.

May locate,
construct and
operate railway
on Neponset
bridge, etc.

SECTION 3. Said Quincy and Boston Street Railway Company is hereby authorized, with the consent of the board of aldermen of the city of Boston, to locate, construct and operate a street railway from the boundary line of the city of Quincy, on the Neponset bridge, so-called,

along and over said bridge and along and over Neponset avenue to Minot Street in said city of Boston.

SECTION 4. Said Quincy and Boston Street Railway Company shall not in said towns of Weymouth and Milton and in the city of Boston, locate or construct its road or tracks at grade across the location or tracks of any steam railroad company, without the consent of the board of railroad commissioners.

Railway not to cross any steam railroad at grade without consent of the railroad commissioners.

SECTION 5. Said Quincy and Boston Street Railway Company, respecting the railway hereby authorized to be constructed and maintained, shall have all the powers and privileges and shall be subject to all the duties, liabilities or restrictions set forth in the general laws relating to street railway companies.

Powers and duties, etc.

SECTION 6. The provisions of sections one, three and four of this act shall become void, so far as relates to the rights of said Quincy and Boston Street Railway Company in either of said towns or the city of Boston, in which said Quincy and Boston Street Railway Company shall have failed to commence the construction or operation of its railway prior to the thirty-first day of December in the year eighteen hundred and ninety-four.

Construction, etc., to be commenced prior to Dec. 31, 1894.

SECTION 7. This act shall take effect upon its passage.

Approved May 17, 1892.

AN ACT TO INCORPORATE THE METHUEN WATER COMPANY.

Chap. 310

Be it enacted, etc., as follows:

SECTION 1. Charles H. Tenney, William R. Rowell, Daniel W. Tenney, Charles W. Mann, George W. Tenney and J. Milton Tenney, their associates and successors, are hereby made a corporation by the name of the Methuen Water Company, for the purpose of supplying the inhabitants of Methuen with water for the extinguishment of fires and for domestic, manufacturing and all other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Methuen Water Company incorporated.

SECTION 2. The said corporation, for the purposes aforesaid, may lease, take, acquire by purchase or otherwise, and hold, the waters of any pond, stream, well or spring within the limits of said town of Methuen or any other waters at any point in said Methuen, and all the water rights connected therewith; and obtain and take

May take water, etc., within the limits of the town.

water by means of bored, driven, artesian or other wells, on any land within the limits of said town of Methuen, and hold and convey said water through said town; and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May erect dams,
make excavations,
etc.

May construct
and lay down
conduits, etc.

To file, etc., in
registry of
deeds a description
of the land,
etc., taken.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the northern district of the county of Essex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Payment for
damages.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the au-

thority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application for damages to be made until water is actually taken.

SECTION 5. The said corporation may distribute the water through said town of Methuen; may regulate the use of said water and fix and collect the rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for any purposes, as may be agreed upon by said town or such fire district, individual or corporation, and said corporation; and may establish public fountains and hydrants, relocate and discontinue the same.

May fix and collect water rates, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real estate; capital stock and shares.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property, owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for polluting or diverting water, etc.

SECTION 8. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

May issue bonds secured by mortgage, etc.

SECTION 9. The town of Methuen shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges

Town may purchase, etc., property at any time, etc.

of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Methuen, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Statement of receipts and expenses to be annually made to the town.

Methuen Water Loan not to exceed \$100,000.

SECTION 10. The said town may, for the purpose of paying the cost of said corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words, Methuen Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. The said town shall provide at the time of contracting said loan for the estab-

Sinking fund to be established.

lishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

SECTION 11. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for payment in annual proportionate payments.

SECTION 12. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

Statement of amount of sinking fund, etc., to be made.

SECTION 13. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

To raise by taxation sufficient with income from water rates to pay expenses, etc.

SECTION 14. The said town shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall

Board of water commissioners; powers and duties.

To be trustees
of the sinking
fund.

be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Security may be
required for
payment of
damages, etc.

SECTION 15. The county commissioners for the county of Essex shall, upon application of the owner of any land, water or water rights taken under this act, require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

Work to be
commenced
within three
years.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

Approved May 17, 1892.

Chap.311 AN ACT RELATIVE TO THE ABOLITION OF CERTAIN GRADE CROSSINGS IN THE CITY OF NORTHAMPTON.

Be it enacted, etc., as follows:

No change to be
made in grade
of public ways
without consent
of the city
council.

SECTION 1. In the proceedings now pending in the superior court for the abolition of certain grade crossings in the city of Northampton, no change shall be made in the grade of the public ways in said city where the same are now crossed by one or more railroads at grade, without the consent of the city council of said city expressed by vote thereof duly recorded.

Copy of vote to
be certified to
the court.

SECTION 2. Before the court or any justice thereof shall make a final decree in said case a copy of such vote certified by the city clerk shall be filed in said case.

SECTION 3. This act shall take effect upon its passage.

Approved May 18, 1892.

AN ACT RELATING TO THE ABOLITION OF GRADE CROSSINGS.

Chap.312

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety is hereby amended by striking out in the eighth line thereof, the words "directors of the company", and inserting in place thereof the words: — railroad commissioners, — so as to read as follows: — *Section 4.* If the commission decide that any portion of an existing public way should be discontinued it shall so specify, and it shall further specify the grades for the railroad and the public way or ways and the general method of construction, and also what land or other property it deems necessary to be taken: *provided, however,* that if such decision involves a change in the grade of the railroad, the consent of the railroad commissioners to such change of grade shall first be obtained. Said commission shall forthwith return said decision into the said superior court. The decree of the court confirming the decision of the commission shall be final and binding. If the commission decides that the location of the railroad or of the public way shall be changed, the decree of the court confirming such decision shall constitute a taking of the specified land or other property; and it shall be the duty of the clerk of said court, within thirty days after the making of said decree, to cause a copy of such decision and decree to be filed with the county commissioners of the county or counties in which the land or other property taken and the crossing are situated, and also to be recorded in the registry of deeds for the counties and districts in which such land, property and crossings are situated, and also to be filed with the auditor of the Commonwealth. Said taking shall be deemed to be a taking by the city or town if the land is to be used for a public way, or by the railroad company if the land is to be used by the railroad.

1890, 428, § 4, amended.

Discontinuance of public way; grade of way or railroad.

Proviso.

Decision of commission; change of location of railroad or public way.

SECTION 2. This act shall apply to any case now pending under said chapter.

To apply to pending cases.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1892.

AN ACT RELATING TO THE IDENTIFICATION OF CRIMINALS.

Chap.313

Be it enacted, etc., as follows:

SECTION 1. The commissioners of prisons may send to the chief of police of the city of Chicago in the state

Measurements and descriptions of certain

professional criminals may be sent to the chief of police of Chicago, Ill.

of Illinois, to be placed in the bureau of identification in that city, all measurements and descriptions that can be obtained of professional criminals who have been discharged from the prisons of this Commonwealth since the first day of July in the year eighteen hundred and ninety, or who may be discharged from such prisons prior to the first day of November in the year eighteen hundred and ninety-three.

Descriptions, etc., may be sent to any national bureau of identification.

SECTION 2. Said commissioners may send to any national bureau of identification that shall be established for the purpose of exchanging information according to the method of identification commonly known as the Bertillon system, the measurements and descriptions of all prisoners in this Commonwealth who have been or shall be hereafter measured under such system.

Commissioners may expend \$200.

SECTION 3. Said commissioners may expend a sum not exceeding two hundred dollars to carry out the purposes named in section one of this act.

Approved May 19, 1892.

Chap.314 AN ACT CONCERNING THE CITY REGISTRAR OF THE CITY OF BOSTON.
Be it enacted, etc., as follows:

City registrar to be appointed in Boston, etc.

SECTION 1. The mayor of the city of Boston shall appoint, subject to confirmation by the board of aldermen of said city, a city registrar, who shall have charge of the registry department of said city and shall have all the powers and perform all the duties appertaining to registrars of cities provided for in section sixteen of chapter thirty-two of the Public Statutes; and said city may from time to time assign to said city registrar any other duties. Chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five and chapter four hundred and eighteen of the acts of the year eighteen hundred and ninety, and all other acts relating to departments of the city of Boston and officers in charge thereof, shall apply to said registry department and to said city registrar.

Two assistant city registrars to be appointed, etc.

SECTION 2. The said city registrar shall, from his subordinates, appoint two assistant city registrars, who may, in the absence of the city registrar, perform his duties; and the certificates or attestations of either assistant city registrar shall have the same force and effect as that of the city registrar; said city registrar may pay, out of any funds received by him, the fees due to persons making returns under the requirements of law, and shall

on or before the twentieth of each month transmit the accounts and vouchers for all funds so received and fees so paid to the city auditor.

SECTION 3. The duties imposed upon the clerks of cities or towns under sections fourteen and fifteen of chapter thirty-seven of the Public Statutes shall in Boston be performed by the city registrar. .

Duties to be performed by the registrar. P. S. 37, §§ 14, 15.

SECTION 4. Said city may from time to time, by ordinance, direct the head of any department, including the city clerk, to place in charge of the city registrar any of the books or papers of such department bearing date prior to the year eighteen hundred and seventy-five, and may in like manner direct their return.

Certain books and papers may be placed in charge of registrar, etc.

SECTION 5. In the city of Boston the penalties or forfeitures established by section seventeen of chapter thirty-two of the Public Statutes, or by acts supplementary thereto, shall be recovered on complaint, in the same manner as penalties for breaches of the ordinances of said city, and all fines paid on such complaints shall enure to said city for such uses as it may direct.

Recovery of penalties, etc.

Approved May 19, 1892.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF NEWBURY.

Chap. 315

Be it enacted, etc., as follows:

The action of the annual town meeting of the town of Newbury held on the first day of March in the year eighteen hundred and ninety-two, in authorizing the construction of a wharf over tide water at a public landing of said town situated on the River Parker, for the use of its citizens and at the public expense, is hereby ratified and confirmed; and no such action at said town meeting shall be deemed invalid.

Proceedings of town meeting confirmed.

Approved May 19, 1892.

AN ACT RELATING TO CARDS OF INSTRUCTIONS AND SPECIMEN BALLOTS FOR STATE AND CITY ELECTIONS.

Chap. 316

Be it enacted, etc., as follows:

The cards of instructions and specimen ballots for state and city elections shall be sent in separate packages, with the sealed packages of ballots furnished for the use of voters. The presiding or senior election officer present shall cause such cards and specimen ballots to be posted before the opening of the polls on the day of election.

Cards of instruction and specimen ballots.

Approved May 19, 1892.

Chap.317 AN ACT TO AUTHORIZE THE TOWN OF WENHAM TO REFUND ITS DEBT AND ISSUE BONDS OR NOTES THEREFOR.

Be it enacted, etc., as follows:

May refund indebtedness and issue bonds therefor.

SECTION 1. The town of Wenham, for the purpose of refunding its existing indebtedness, may issue bonds or notes therefor to an amount not exceeding three thousand dollars, payable at periods not exceeding ten years from the date thereof. Said bonds or notes shall bear interest payable semi-annually at a rate not exceeding six per centum per annum and may be sold or negotiated at public or private sale upon such terms and conditions as said town may deem proper.

Annual payments to be provided for.

SECTION 2. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act.

Provisions of P. S. 29, etc., to apply.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes and the acts amendatory thereof shall in all other respects apply to the issue of said bonds or notes.

SECTION 4. This act shall take effect upon its passage.

Approved May 19, 1892.

Chap.318 AN ACT TO PROVIDE FOR THE LICENSING AND REGULATING OF BOARDING HOUSES FOR INFANTS.

Be it enacted, etc., as follows:

Boarding houses for infants to be licensed. Penalty.

SECTION 1. No person shall maintain a boarding house for infants unless licensed by the state board of lunacy and charity. Whoever violates the provisions of this section shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

What to be deemed a boarding house for infants.

SECTION 2. Whoever shall, for hire, gain or reward, have in his custody or control at one time more than one infant under the age of two years, unattended by a parent or guardian, exclusive of infants related by blood or marriage to the person having such custody or control, for the purpose of providing care, food and lodging for such infants, shall be deemed to maintain a boarding house for infants within the meaning of this act: *provided*, that if in any prosecution under this act the defendant relies upon the relationship of any of said infants to himself in

Proviso.

defence, the burden shall be upon said defendant to prove said relationship.

SECTION 3. The state board of lunacy and charity may grant licenses to maintain boarding houses for infants, and may revoke such licenses in its discretion. Every application for such license shall first be approved by the board of health of the place, except the city of Boston, in which such boarding house is to be maintained. The state board of lunacy and charity and boards of health of cities and towns, except the city of Boston, shall annually, and may at all times, visit and inspect premises so licensed, and may at any time designate any person to visit and inspect said premises.

Licenses, granting, approval and revocation.

Inspection of premises.

SECTION 4. Such licenses shall be granted for a term not exceeding one year and a record thereof shall be kept by said state board, which shall forthwith notify the board of health of the place in which the licensee resides that such license has been granted, with the terms thereof. Every such license shall set forth the name of the licensee, the particular premises in which the business may be carried on, and the number of infants permitted to be boarded at one time in such premises, and shall if so required by the state board be posted in a conspicuous place in such premises, and the number of infants specified in such license shall in no case be exceeded. No license issued as aforesaid shall authorize the holder thereof to keep an infant in any building or place other than that designated in the license.

Licenses, term, record, contents, etc.

SECTION 5. Every licensee as aforesaid shall keep a true and particular record, in such form as may be prescribed by the state board, of every infant received, which record shall include the date of the receiving of such infant, the name and address of the person from whom such infant is received, the date of its discharge and the name and address of the person to whom it is discharged.

Record to be kept by licensee.

SECTION 6. When such license is revoked the state board of lunacy and charity shall note the revocation upon the face of the record of the license, and shall give written notice of such revocation to the holder of the license, by delivering the same to him in person or leaving it at the place of business designated in the license.

Revocation of license.

SECTION 7. Any person receiving under his care or control, or placing under the care or control of another, for compensation, an infant under two years of age not

Notice to be given by person receiving an infant.

related by blood or marriage to the person receiving such infant, shall within two days after such reception give notice to the state board of lunacy and charity of such reception and its terms, with the names, ages and residences of such infant and of its parents, and of such persons, so far as known, to the person giving such notice: *provided, however*, that any person receiving such an infant from the overseers of the poor of any city or town, or from the commissioners of public institutions of the city of Boston, or from any charitable institution incorporated by law within this Commonwealth, shall be required to report in such notice to said state board only the name and age of such infant and the name and location of the board or institution from which such infant is received.

Proviso.

Action to be taken on such notice.

SECTION 8. Said state board, on receiving such notice or any information of such reception, may forthwith cause all the circumstances of the case to be investigated, and may make such recommendations, if any, as it shall deem expedient, to such persons in regard to the care and custody of such infant; and if the same are not complied with may, if it shall deem expedient, forthwith make application to any justice of the supreme judicial, superior, police, district or municipal courts, or to the judge of any probate court to make and enforce such orders in regard to the care, custody, protection and maintenance of such infant as such justice or judge shall deem for the best interest of such infant, and as are not inconsistent with law; and such justice or judge may, on such notice to such parents and persons as said court shall order, then and from time to time make and enforce such orders.

Penalty for failing to give notice, etc.

SECTION 9. Any person neglecting to give such notice to said state board, or refusing to give such information as it shall request, or refusing to obey such orders of such justice or judge, shall, upon complaint of a duly authorized agent of the said state board, be punished by imprisonment in the house of correction for not exceeding one year or by fine not exceeding one hundred dollars, or by both such imprisonment and fine.

Penalty for giving an infant under two years of age for purpose of its being placed under control, etc.

SECTION 10. Whoever gives to any person an infant under two years of age for the purpose of placing such infant, for hire, gain or reward, under the permanent control of another person shall be deemed guilty of the abandonment of such infant, and upon conviction thereof shall be punished by imprisonment, if a man, in the house

of correction, and if a woman, in the reformatory prison for women, not exceeding two years.

SECTION 11. Whoever for hire, gain or reward receives from any person an infant under two years of age for the purpose of placing such infant under the permanent control of any other person shall be deemed guilty of aiding and abetting the abandonment of such infant, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding two years in the house of correction.

Penalty for receiving such infant.

SECTION 12. The provisions of sections ten and eleven of this act shall not apply to the state board of lunacy and charity, the overseers of the poor of any city or town, the commissioners of public institutions of the city of Boston, any charitable institution incorporated by law, or any duly authorized officers or agents of the same.

Certain provisions not to apply to certain boards, institutions, etc.

SECTION 13. Whoever receives from any person the care and custody of an infant less than two years old for the purpose of adopting, giving a home to or procuring a home or adoption for such infant, shall before receiving the same correctly ascertain the true name, age and birth-place of such infant, with the true name and residence of the parent or parents of such infant, and shall keep a careful record of the same, with the date of such reception. He shall forthwith upon the reception of said infant give notice in writing of such reception to the state board of lunacy and charity, and when and as requested by said state board shall give such information and render such reports concerning such infant as said state board may require; and within two days after the discharge of such infant shall give notice in writing to said state board of the discharge and disposal of such infant. Said state board shall have power to make investigation of all matters pertaining to the case, and, at any time previous to a decree of adoption by a probate court, to remove to the custody of said state board any such infant whenever in the judgment of said state board such removal is for the public interest and necessary for the protection of the infant.

Adoption of infants, etc.

SECTION 14. The parents, surviving parent or guardian of any infant under three years of age, if unable to support such infant, may, upon personal application to the state board of lunacy and charity and with the consent

Child under three years of age may be placed in charge of the board of lunacy and charity, etc.

of said state board, place such infant in charge of said state board by an instrument in writing; and said state board may receive such infant if said state board deem such action to be for the public interest, and shall thereupon have the custody of such infant in the same manner and to the same extent as if such infant were committed thereto by a court or magistrate under the provisions of section three of chapter one hundred eighty-one of the acts of the year eighteen hundred and eighty-two and acts amendatory thereof.

Mother of an illegitimate infant may place it in care of the board, etc.

SECTION 15. The mother of an illegitimate infant under two years of age, who is a resident of this Commonwealth and who has previously borne a good character, may, upon personal application to the state board of lunacy and charity and with the consent of said state board, give up such infant to said state board for the purpose of adoption, such giving up to be made by an instrument in writing signed by the mother; and said state board may in its discretion and on such conditions as it may impose receive such infant and provide therefor if said board deem such action to be for the public interest; and such giving up shall operate as a consent to any adoption subsequently approved by said state board.

Repeal.

SECTION 16. Chapter four hundred and sixteen of the acts of the year eighteen hundred and eighty-nine, and so much of section three of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-two as requires a person receiving an illegitimate infant under the age of one year to board, to notify the overseers of the poor of the city or town in which he resides of the facts of such reception, are hereby repealed.

To take effect June 1, 1892.

SECTION 17. This act shall take effect on the first day of June in the year eighteen hundred and ninety-two.

Approved May 19, 1892.

Chap. 319 AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT ATTORNEY FOR THE SOUTHERN DISTRICT.

Be it enacted, etc., as follows:

Salary established.

SECTION 1. The annual salary of the district attorney for the southern district shall hereafter be twenty-two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1892.

AN ACT TO AUTHORIZE THE TOWN OF TISBURY TO HOLD A SECOND *Chap.320*
ANNUAL MEETING FOR THE PRESENT YEAR.

Be it enacted, etc., as follows :

SECTION 1. The town of Tisbury is authorized to hold a second annual meeting during the month of June of the present year for the purpose of filling vacancies in the town offices occasioned by the incorporation of West Tisbury. Town may hold a second annual meeting.

SECTION 2. The various appropriations made and voted at the annual meeting already holden in March may at such second annual meeting be modified, reduced, reconsidered or rescinded, with the same effect and validity as if the same had been modified, reduced, reconsidered or rescinded at the annual meeting aforesaid. Appropriations.

SECTION 3. This act shall take effect upon its passage.

Approved May 19, 1892.

AN ACT TO INCORPORATE THE WILLIMANSETT WATER COMPANY. *Chap.321*

Be it enacted, etc., as follows :

SECTION 1. Charles L. Goodhue, Arthur P. West, Harry L. Montague, their associates and successors, are hereby made a corporation by the name of the Willimansett Water Company, for the purpose of supplying the village of Willimansett and Chicopee street, both within the limits of the city of Chicopee, with water for domestic, manufacturing and other purposes, including the extinguishing of fires ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force so far as the same may be applicable to such corporations. Willimansett Water Company incorporated ; purpose, powers, duties, etc.

SECTION 2. The said corporation, for the purpose aforesaid, may take, by purchase or otherwise, and hold the waters of Powder Horn brook, so-called, situated within the limits of the city of Chicopee, the point of taking to be near the Chicopee Falls road, about one and one fourth miles east of the village of Willimansett, together with such waters as flow into the same ; and also all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to that part of the city covered by this act ; and may erect on the land thus taken or held proper dams, fixtures and other structures, and may make excavations and provide such other means and appliances as may be necessary May take the waters of Powder Horn brook, etc. May erect dams, etc.

May dig up
public ways
under direction
of the select-
men, etc.

Proviso.

To file in regis-
try of deeds
within sixty
days a descrip-
tion of lands,
etc., taken, etc.

Payment for
damages sus-
tained, etc.

Application for
damages not to
be made until
water is
diverted.

for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits and pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the street commissioner of the city of Chicopee, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel therein: *provided*, that nothing contained in this act shall authorize said corporation to carry water across the Chicopee river, or to supply water to any part of Chicopee Centre lying south of said river, or to any part of Chicopee Falls on either side of said river.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampden a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

SECTION 5. The said corporation may distribute the water through said village of Willimansett and through Chicopee street, aforesaid, may regulate the use of said water and fix and collect water rates to be paid for the same. And said city or any individual or corporation may make such contracts with it to supply water for the extinguishment of fire or for other purposes, as may be agreed upon by said city, individual or corporation, and said Willimansett Water Company.

May fix and collect water rates, etc.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding two thousand dollars; and the whole capital stock of said corporation shall not exceed fifteen thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, to an amount not exceeding ten thousand dollars, and may secure the same at any time by a mortgage of its franchise and property. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Real estate, capital stock and shares.

May issue bonds not exceeding \$10,000, etc.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

Penalty for corrupting or diverting water, etc.

SECTION 8. The county commissioners for the county of Hampden, upon the application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result.

May be required to give security for payment of costs and damages, etc.

City of Chicopee
may take by
purchase, etc.,
franchise, etc.,
at any time.

Statement of
receipts and
expenditures to
be made
annually.

Work to be
commenced
within two
years.

SECTION 9. The city of Chicopee shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the city council of the city of Chicopee, and if said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said city and shall be deducted from the amount required to be paid by said city to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said city by a two thirds vote of the voters of said city present and voting thereon; and the time and manner of taking such vote shall be determined by the city council.

SECTION 10. This act shall take effect upon its passage, but shall become void unless work under it is commenced within two years from the date of its passage.

Approved May 31, 1892.

Chap. 322

AN ACT TO INCORPORATE THE MEDFIELD WATER COMPANY.

Be it enacted, etc., as follows:

Medfield Water
Company
incorporated;
purpose,
powers, duties,
etc.

SECTION 1. Edwin V. Mitchell, Clinton T. Frost, Henry M. Parker, their associates and successors, are hereby made a corporation by the name of the Medfield Water Company, for the purpose of furnishing the town of Medfield and the inhabitants thereof with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to the duties, restrictions and liabilities which

now are and may hereafter be in force applicable to such corporations, except as hereinafter provided.

SECTION 2. The town of Medfield may contract with said corporation to furnish water for the purposes aforesaid for any term of years, for such price as may mutually be agreed upon between said corporation and said town.

Town may contract with company for a water supply.

SECTION 3. Said corporation may take, hold and convey through the town of Medfield or any part thereof, so far as may be necessary for said purpose, the water of any spring or springs, or of any pond or ponds, or of any stream or streams within the town of Medfield, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same or for erecting and maintaining a pumping station, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held, or for forming any dams or reservoirs to hold the same, and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same, and may under the direction of the board of selectmen enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works, and in general may do any other acts and things convenient or proper for carrying out the purpose of this act.

Corporation may take, etc., water of springs and ponds in town of Medfield, etc.

May dig up roads under direction of the selectmen, etc.

SECTION 4. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, file in the registry of deeds of the county of Norfolk a description of any land or water rights so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken; and the title of the land or water rights so taken shall vest in said corporation.

Description of lands, etc., taken, and statement of purposes, etc., to be filed in registry of deeds.

SECTION 5. Any person or corporation injured in any way by the taking of land and water rights as aforesaid, or by any act of said corporation as before provided, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted

Assessment and determination of damages.

Application to
be made within
three years, etc.

by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid, within three years from the time the water is actually withdrawn or diverted and not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

Real estate,
capital stock
and shares.

SECTION 6. Said corporation, for the purposes set forth in this act, may hold real estate not exceeding in amount twenty-five thousand dollars, and its whole capital stock shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

May purchase
other water
works, etc.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct or system of water works now used in furnishing water to any of the inhabitants of the said town of Medfield, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

May issue bonds
and secure by
mortgage, etc.

SECTION 8. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Town may take
franchise and
property at any
time.

SECTION 9. The town of Medfield shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually

Statement of
receipts and
expenses.

submitted to the selectmen of the town of Medfield, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Authority to purchase to be assented to by a two thirds vote.

SECTION 10. The owners of land and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security, satisfactory to the county commissioners of said county, for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if upon petition of the owner, with notice to the adverse party, the security appears to the county commissioners of said county to have become insufficient, they shall require said corporation to give further security to their satisfaction; and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

May be required to give security for payment of damages and costs, etc.

SECTION 11. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Penalty for corrupting or diverting water, etc.

SECTION 12. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions and commence the prosecution of the work herein authorized.

Work to be commenced within three years.

Approved May 31, 1892.

Chap. 323 AN ACT TO REVISE THE CHARTER OF THE CITY OF LOWELL.*Be it enacted, etc., as follows:*

City of Lowell.

SECTION 1. The inhabitants of the city of Lowell, for all the purposes for which cities and towns are by law incorporated in this Commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of the City of Lowell; and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation, except so far as the same may be modified by the provisions of this act.

Administration of municipal affairs, etc.

SECTION 2. The administration of the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, styled the mayor, one select council of nine, to be called the board of aldermen, and one council of not less than two nor more than four from each ward, to be called the common council: *provided, however*, that if in any year of a new division of the city into wards the number of wards shall be increased, there shall be elected at the municipal election occurring in such year an alderman for each new ward, in the manner hereinafter provided. The board of aldermen and the common council in their joint capacity shall be denominated the city council; and the members thereof shall be sworn to the faithful discharge of their duties. A majority of each board shall constitute a quorum for the transaction of business. No member of the city council shall receive any compensation for his services.

Proviso.

Election of officers, municipal year and warrants for meetings.

SECTION 3. The election of municipal officers shall take place on the second Tuesday of December, annually; and the municipal year shall begin on the first Monday of the following January. All meetings of the citizens for municipal purposes shall be called by warrants issued by the board of aldermen, which shall be in such form and be served, executed and returned in such manner and at such time as the city council may by ordinance direct.

New division of wards and members of common council.

SECTION 4. In the year eighteen hundred and ninety-five, and in every tenth year thereafter, but not oftener, the city council may make a new division of the city into such number of wards as they may determine, and may

increase or diminish the number of common councilmen to which the several wards shall be entitled during the succeeding decennial period : *provided*, that the number of wards shall not be less than six nor more than twelve ; and *provided, further*, that the number of common councilmen shall not be less than two nor more than four from each ward ; and each ward shall be entitled to an equal number of common councilmen with every other ward. Every new division of the city into wards shall be made in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward ; and until a new division is made the boundary lines of the wards shall remain as now established.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, and shall hold office from the first Monday of January next succeeding his election to the first Monday of the following January.

Proviso.

Mayor's election and term of office.

SECTION 6. Three of the members of the board of aldermen shall be elected by the qualified voters of the city at large, and one member thereof from each ward shall be elected by the qualified voters of the city, voting in their respective precincts, and the candidate from each ward who receives the highest number of votes throughout the city, cast for candidates from the same wards, shall be declared elected. The aldermen shall hold office from the first Monday in January next succeeding their election to the first Monday of the following January.

Election and term of office of aldermen.

SECTION 7. The members of the common council shall be elected from and by the legal voters of the wards in which they reside at the time of their election, and shall hold office from the first Monday of January next succeeding their election to the first Monday of the following January.

Election and term of office of common councilmen.

SECTION 8. Whenever any person elected mayor shall die, remove from the city or refuse in writing, addressed to the board of aldermen, to accept said office, before entering upon the discharge of his duties, and whenever in consequence of the death, resignation or disability of the mayor the office shall have become vacant, and the board of aldermen and common council shall each have declared by vote or resolution the fact of such vacancy and the cause thereof, the board of aldermen shall forthwith issue their warrant for the election of a mayor for the

Vacancy in office of mayor ; new election to be ordered, etc.

Proviso.

term, or the remainder of the term, for which the last mayor was elected; and the same proceedings shall be had as are required by law for the original election: *provided, however*, that no election shall be held to fill a vacancy occasioned by the death, resignation or disability of the mayor which shall occur from the first day of November in any year until such vacancy is filled as aforesaid, and whenever the mayor from temporary disability cannot perform the duties of the office, and the fact of the vacancy, by reason of any such temporary disability, has been declared by the board of aldermen to exist, then the duties of the new mayor shall devolve upon the chairman of the board of aldermen; and if there is no chairman, then upon the president of the common council, and such officer shall be styled acting mayor and shall have all the powers conferred upon the mayor by law, save that he shall have no authority to make permanent appointments.

Elections to fill vacancies.

SECTION 9. Whenever any person elected mayor, alderman or common councilman shall die, remove from the city or refuse in writing, addressed to the board of aldermen for the time being, to accept the office, before entering upon the discharge of his duties, the board of aldermen shall make a record of the fact, and thereupon shall issue their warrant for an election to fill such vacancy, to be held at such time as they shall deem advisable; and the same proceedings shall be had to fill any vacancy in either of said offices caused by death, resignation or otherwise, after the commencement of the municipal year.

Removal from the city to cause vacancy to exist.

SECTION 10. Every municipal officer shall be held to discharge the duties of the office to which he has been elected, notwithstanding his removal after his election out of his ward into any other ward of the city; but a removal of residence out of the city shall cause a vacancy to exist in the office to which he was elected.

Municipal election on the second Tuesday in December.

SECTION 11. On the second Tuesday in December annually the qualified voters shall in their several wards or precincts give in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the laws of the Commonwealth; and if at such election a mayor or the required number of members of the city council shall not have been elected, the board of aldermen shall make a record of the fact and forthwith issue their warrant for another election, and the same proceedings shall

be had as are provided by law for the original election; and the same shall be repeated from time to time until such persons shall be chosen. All persons who may be elected to the offices named in this section shall be notified by the board of aldermen within two days after the fact shall be ascertained.

SECTION 12. The mayor, aldermen and common council shall meet in convention on the first Monday of January in each year, at ten o'clock in the forenoon, and shall be sworn to the faithful discharge of their duties. Whereupon the two boards shall separate and the common council shall be organized in the manner hereinafter provided. Either of said officers not present on said first Monday of January may be sworn at any time thereafter in convention of the two boards. In all cases a record of the taking of the oath of office, as above provided, shall be made by the respective clerks of the two boards.

Organization of the government.

SECTION 13. The board of aldermen shall elect by ballot one of their members chairman of the board, who shall hold office during the municipal year for which he is elected unless sooner removed by said board. The chairman shall preside at all meetings of the board of aldermen and at all conventions of the city council. In case of the absence of the chairman from any meeting of said board, or from any convention of said city council, a member of the board of aldermen shall be elected by said board to preside for the time being. All meetings of the board of aldermen shall be public unless said board shall determine by a majority vote of the members present that it is expedient to transact any special business in executive session. The board of aldermen shall be the final judges of the election and qualification of their own members.

Board of aldermen, chairman, meetings, etc.

SECTION 14. The persons chosen and qualified as members of the common council shall sit and act together as a separate body, distinct from that of the board of aldermen, except when the two bodies meet in convention. On the first Monday of January, or as soon thereafter as may be, the common council shall elect one of their members to preside over their deliberations, who shall be called the president of the common council, and who shall hold office during the municipal year for which he is elected, unless sooner removed. In case the president is absent or unable to perform his duties, or in case the office is vacant from any cause, the council shall elect a

Common council, president, clerk, meetings, etc.

Common
council.

president for the time being. The common council shall elect a clerk, who shall be sworn to the faithful discharge of the duties of his office and shall hold his office during the pleasure of the council and until his successor shall be chosen and qualified; and he shall attend the council when in session, keep a journal of all their acts, votes and proceedings and perform such other services in said capacity as the council may require. In his absence the council shall elect a clerk pro tempore, who shall be sworn to the faithful discharge of his duties. All sittings of the common council shall be public. The certificate issued by the mayor and aldermen shall be presumptive evidence of the right of the person presenting the same to a seat in the common council; but the council shall have the authority to decide ultimately upon all questions relating to the qualifications, elections and returns of their members.

Certain officers
may be sus-
pended by the
mayor, and be
removed with
approval, etc.

Proviso.

SECTION 15. The mayor may, when in his judgment the public interests require it, suspend for a period of seven days any member of the board of overseers of the poor or of the board of health, any assistant assessor, any member of the police force or fire department, and any other officer of the city; and after due hearing he may, with the approval of the board of aldermen where said board elects any of said officers, and with the approval of both branches of the city council where any of said officers are elected by concurrent vote, remove any of the said officers: *provided*, that the members of the city council and school committee and their clerks and attendants, the principal assessors, the city clerk, the assistant city clerk, the city treasurer, the city auditor, the city messenger and city solicitor shall not be subject to suspension or removal as above provided. No appointment made by the mayor which is subject to the approval of the board of aldermen shall be acted upon by said board until the expiration of one week after such appointment is transmitted to said board, except by unanimous consent of said board.

Mayor to be
chief executive
officer; salary,
etc.

SECTION 16. The mayor shall be the chief executive officer of the city, and shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, which salary shall not exceed the sum of three thousand dollars annually; and he shall receive no other compensation or emolument whatever;

and no regulations enlarging or diminishing such compensation shall be made to take effect until the expiration of the year for which the mayor then in office shall have been elected. And the mayor shall be vigilant and active at all times in causing the laws for the government of the city to be duly enforced; shall inspect the conduct of all subordinate officers in the government thereof, and, as far as in his power, cause all negligence and violation of duty to be duly prosecuted and punished. Whenever in his judgment the good of the city may require it he shall summon meetings of the board of aldermen and common council, or either of them, although the meeting of said boards, or either of them, may stand adjourned to a more distant day, and perform such other duties as the city council may legally and reasonably require. And the mayor from time to time shall communicate to both branches of the city council such information and recommend such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the city.

May summon meetings of the board of aldermen and common council at any time, etc.

SECTION 17. A city clerk shall be elected by concurrent vote of both branches of the city council at such time and for such term, not exceeding three years, as the city council may by ordinance determine. He shall be sworn to the faithful discharge of his duties and shall hold his office until his successor is chosen and qualified, but may be removed however at the pleasure of the city council. The city clerk shall be ex officio clerk of the board of aldermen. He shall keep a journal of the votes and proceedings of the aldermen, and also of the city council when sitting in convention, and shall perform such other duties as the city council may prescribe.

City clerk.

SECTION 18. A city treasurer, who shall also be the collector of taxes, shall be elected by concurrent vote of both branches of the city council at such time and for such term, not exceeding three years, as the city council may by ordinance determine. He shall be sworn to the faithful discharge of his duties and shall hold his office until his successor shall be chosen and qualified, but may be removed at the pleasure of the city council. He shall deliver up to his successor in office as soon as chosen and qualified, or to any person designated by the city council, on his ceasing to fill such office, all books, funds, papers or other things kept or held by him as such officer; he shall give

City treasurer and collector.

bond for the faithful discharge of the duties of his office in such sum as the city council may require and with such sureties as the mayor may approve.

Administration
of the police
vested in the
mayor and
aldermen.

SECTION 19. The administration of the police, the executive powers of the city generally, with all the powers formerly vested in the selectmen of the town of Lowell, and heretofore vested in the mayor and aldermen of the city of Lowell, shall continue to be vested in and exercised by the mayor and aldermen of said city as fully as if the same were herein specially enumerated. The mayor and aldermen may grant licenses for all purposes within said city for which the mayor and aldermen of cities or the selectmen of towns are authorized by the general laws of the Commonwealth to grant the same, and all licenses so

Granting of
licenses.

Chief of police;
police officers
and constables.

granted may at any time be revoked for good cause. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a chief of police, who shall hold office for a term not exceeding three years, as the city council may by ordinance determine, and such number of other police officers and constables as the board of aldermen shall determine or the public service may require. All said officers thus appointed shall have the power of constables except the power of serving and executing civil process. All such officers, including said chief of police, may be removed for cause by the board of aldermen, and said board may require any person appointed a constable or special constable to give bond to the city, with such security and to such amount as said board may deem proper, before entering upon the execution of said office; upon which bond the like proceedings and remedies may be had as are by law provided in case of sheriffs' bonds in this Commonwealth. The city council may

Lighting of
streets.

Electric Wires.

cause the public streets of the city to be lighted, and for that purpose may set up and construct lamps, gas pipes or other apparatus such as the public convenience or necessity may require, as provided by law. The city council may also establish by ordinance such regulations as may be allowed by law for the erection, maintaining and operating of any line of electric wires owned by any person or corporation and used for lighting the public streets or highways, for the transmission of motive power by any street railway company, or for the transmission of intelligence by electricity: *provided, however*, that nothing herein contained shall be so construed as to affect the

Proviso.

powers of the board of aldermen under the provisions of chapter one hundred and nine of the Public Statutes or any act in addition thereto or in amendment thereof.

SECTION 20. All boards and officers acting under the authority of the city and entrusted with the receipt and expenditure of public money shall be accountable therefor to the city council in such manner as they may direct. And the city council shall publish and distribute annually for the information of the citizens a particular statement of the receipts and expenditures of all public moneys, and a particular statement of city property.

Officers, etc., entrusted with public money to be accountable to the city council, etc.

SECTION 21. All other powers now by law vested in the city of Lowell or in the inhabitants thereof, as a municipal corporation, shall continue to be vested in the board of aldermen and common council of the city, to be exercised by concurrent vote, each board having a negative upon the other; especially they may make all such needful and salutary ordinances or by-laws as towns by the laws of this Commonwealth have power to make, and annex penalties not exceeding twenty dollars for the breach thereof, which ordinances or by-laws shall take effect from and after their passage, unless otherwise provided, without the sanction or confirmation of any court or other authority whatever: *provided*, that such ordinances or by-laws shall not be repugnant to the laws of this Commonwealth and may be annulled by the legislature thereof.

All powers now vested in the city, etc., to continue, etc.

Ordinances and by-laws.

Proviso.

SECTION 22. The city council from time to time may lay and assess taxes for purposes for which towns are by law required or authorized to assess or grant money, and also for all purposes necessary for carrying into effect the powers conferred by this act: *provided, however*, that in the assessment and apportionment of such taxes the same rules and regulations shall be observed as are now established by the laws of this Commonwealth, or may hereafter be enacted, relative to the assessment and apportionment of town taxes. The city council may provide for the assessment and collection of such taxes, make appropriations of all public moneys and provide for the disbursement thereof, and take suitable measures to insure a just and prompt account thereof; and for these purposes may either elect such assessors and assistant assessors as may be needful, or may provide for the appointment or election of the same, or any of them, by the board of

Assessment of taxes, etc.

Proviso.

Assessors and assistant assessors.

aldermen or by the citizens, as may be most conducive to the public good, and may fix their term of office; and shall also require of all persons intrusted with the collection, custody or disbursement of public moneys, such bonds, with such conditions and such sureties as the case may require.

City council to lay out, alter and discontinue highways, etc.

SECTION 23. The city council shall have the power to lay out, alter, discontinue or fix the grade of any highway, street or town way, in such manner as the public convenience may require, to take land therefor and to estimate the damage any person shall sustain thereby. Any person dissatisfied with the decision of the city council in the estimate of damages may within one year thereafter make complaint and application for a jury, to the superior court in the county of Middlesex, upon which application the same proceedings shall be had as are provided in sections one hundred and five, one hundred and six, one hundred and seven and one hundred and eight of chapter forty-nine of the Public Statutes or any acts in amendment thereof. No way in said city shall hereafter be opened for public travel or dedicated to public use unless its location, directions, widths and grades are satisfactory to and have been approved in writing by the board of aldermen.

Sidewalks, curbstones, etc.

SECTION 24. The city council is hereby authorized to appropriate, set off and reserve as sidewalks such parts of any streets of the city as may be necessary for the safety, convenience and accommodation of foot passengers, and permit or direct posts of stone, iron or wood, or trees, to be placed along the edge of said sidewalk to protect the same or the passengers travelling thereon, and to establish and grade sidewalks and set curbstones in such streets in said city as the public convenience may require, and construct the same with such material as the city council shall deem expedient; and shall assess the expense of the same upon the abutters thereon. All assessments so made shall be a lien upon the abutting lands in the same manner as taxes are a lien on real estate, and may be collected in the same manner as taxes on real estate are collected. Sidewalks when constructed shall be the property of the city, and thereafter shall be maintained and kept in repair by the city. The city council may from time to time reestablish grade, reconstruct and repair such sidewalks and curbstones and any sidewalks and curbstones heretofore established in said city.

Expense to be assessed upon abutters.

SECTION 25. The city council shall have the power, whenever they shall adjudge it to be necessary for the public convenience or the public health, to cause main drains or common sewers to be laid through any street or private lands, and may repair the same whenever necessary; and the city shall pay the owners of such lands such damages as they may sustain by the laying or repairing of said main drains or common sewers, to be ascertained in the same manner as is hereinbefore provided for ascertaining damages in the laying out of highways and streets; and all such main drains or common sewers shall be the property of the city.

Main drains and common sewers.

SECTION 26. The city council may make and establish necessary ordinances or by-laws for the purpose of preventing any person, without first obtaining a license from the board of aldermen, from setting up, employing or using any hackney coach, job wagon or other carriage for the conveyance of passengers or freight from place to place in the city for hire, and for the purpose of establishing and limiting the rates and prices for such conveyance of passengers; and also for the inspection, survey, measurement and sale of lumber of every description, brick, wood, coal and bark for fuel, brought into the city for sale, and for the regulation of carriages in the streets of the city; appoint certain suitable places in the streets and squares of the city as public stands for wagons, carts, sleds and carriages of every description, and ordain fit penalties, not exceeding twenty dollars, for the breach of any of the ordinances, rules and regulations so made and established, to be recovered upon complaint of any officer or other inhabitant of the city before the police court therein, for the use of the city. The city council shall also have the care and superintendence of the public buildings, and the care, custody and management of all the property of the city, with power to lease or sell the same and to purchase property in the name and for the use of the city, whenever its interests or conveniences may require. It shall not acquire land for nor authorize the erection of a schoolhouse or any addition thereto, nor pass any appropriation for such purpose until the location and plans of the building have been approved by vote of the school committee, and such approval has been certified in writing to the city council by the secretary of said committee. The city council are hereby authorized to purchase land, to be laid

Use of vehicles for passengers and freight may be regulated.

Inspection, etc., of lumber, etc.

Care and superintendence of public buildings, etc.

Erection of schoolhouses.

Public parks, etc.

out as public squares, malls, parks or commons, and to properly lay out, enclose, maintain, keep and ornament the same or any now owned by the city.

Overseers of the poor.

SECTION 27. The board of overseers of the poor shall consist of the mayor, who shall be chairman ex officio, and six other citizens, neither of whom shall hold any other elective or appointive office under the city council, and shall be chosen by concurrent vote of the city council in the month of January in each year, in the manner following, and each ward of the city shall have no more than one representative on said board. In the month of January in the year eighteen hundred and ninety-three, three citizens shall be elected to serve for one year and three for two years, and thereafter in the month of January of each year three citizens shall be elected to serve for two years: *provided, however*, that if in any year of a new division of the city into wards the number of wards shall be increased, a member of said board shall be elected for each new ward, to serve for the term of two years as hereinbefore provided for. In case of a vacancy in said board the city council shall fill such vacancy by electing a citizen from the ward wherein said vacancy exists, to serve for the remainder of said term. The members of the board of overseers of the poor shall be sworn to the faithful discharge of their duties and shall serve until their successors are chosen and qualified. They may appoint a secretary and superintendent and such other subordinate officers as the ordinances of the city may require, and may define the duties of said officers: *provided, however*, that the compensation of said officers shall be established by the city council. Said board shall have all the powers heretofore conferred upon the overseers of the poor of the city of Lowell by any general or special law, and all the powers of overseers of the poor in towns, and in addition thereto said board shall be subject to such regulations as the city council may by ordinance establish.

Proviso.

Vacancies

Secretary and superintendent.

Compensation of officers.

School committee.

SECTION 28. The persons heretofore elected as members of the school committee shall continue in office according to the tenure thereof. At each annual election of municipal officers hereafter the qualified voters of each ward shall elect one person being an inhabitant of said ward to serve as a member of the school committee for the term of two municipal years from the first Monday of January next following such election. The school com-

mittee shall be the final judges of the qualifications and election of their own members. If the number of wards shall at any time be increased, each additional ward shall, at the next annual election for municipal officers thereafter, elect one person to serve as a member of the school committee for the term of one municipal year, and one person to serve for the term of two municipal years, from the first Monday of January next following such elections. The mayor and president of the common council, together with the persons elected as aforesaid, shall constitute the school committee of Lowell, and shall have all the powers vested in school committees by the general laws of the Commonwealth or any special law for the city of Lowell. A majority of the persons duly elected shall constitute a quorum for the transaction of business; and the mayor may preside at all meetings of the school committee. It shall be the duty of the school committee to exercise the same supervision and control over any institution of instruction and house of reformation established by the city council as they are by law required to exercise over the public schools, as far as practicable. Whenever any person elected a member of the school committee shall die, remove from the city, or refuse in writing, addressed to the board of aldermen for the time being, to accept the office, before entering upon the duties thereof, the board of aldermen shall make a record of the fact, and thereupon issue their warrant for an election to fill such vacancy, to be held at such time as they shall deem advisable. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the chairman of the board of aldermen shall preside, and such vacancy shall by vote of a majority of all the members of the two bodies be filled by the election of a member from the ward in which the vacancy exists, to serve until the end of the current municipal year; at the next municipal election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

Mayor and president of the common council to be of the committee.

Vacancies.

SECTION 29. The city council may establish a fire department, to consist of a chief engineer and as many assistant engineers, enginemen, hosemen, hook and ladder men and hydrant men, to be divided into companies, as

Fire department.

the city council by ordinance shall from time to time prescribe; and said city council may make provisions in regard to the time and mode of appointment and the occasion and mode of removals of said officers or members, and define their offices and duties, and in general may make such regulations concerning their pay, conduct and government, and concerning the management and conduct of fires and persons attending fires, subject to all penalties provided for breach of city ordinances, as they shall deem expedient: *provided*, that the appointment of chief engineer, assistant engineers, enginemen, hosemen, hook and ladder men and hydrant men shall be made by the mayor and aldermen exclusively. The engineers and other officers of the fire department so appointed shall have the same authority in regard to the prevention and extinguishment of fires and the performance of the other offices and duties now incumbent upon firewards as are now conferred upon firewards by general laws, and the compensation of the fire department shall be fixed by the city council.

Engineers, etc.,
to be appointed
by mayor and
aldermen.

Ordinance,
order, etc.,
involving an
expenditure of
money, etc.

SECTION 30. Every ordinance, order, resolution or vote to which the concurrence of the board of aldermen and of the common council may be necessary, except on the question of a convention of the two branches, and every order of either branch involving the expenditure of money or affecting the public interests, shall be presented to the mayor. If he approve thereof he shall signify his approval by signing the same, but if he does not approve thereof he shall return the same with his objections in writing to the branch in which it originated. Such branch shall cause the objections of the mayor to be entered at length upon its records and shall proceed to reconsider said ordinance, order, resolution or vote, and if after such reconsideration two thirds of the members of said branch present and voting shall vote to pass the same notwithstanding such objections, it shall be in force, unless it originally required concurrent action, in which case it shall, together with the objections of the mayor, be sent to the other branch of the city council, where it shall also be reconsidered, and if it be approved by two thirds of the members of such other branch present and voting, it shall likewise be in force, but in all cases the vote thereon shall be taken by yeas and nays. If any such ordinance, order, resolution or vote shall not be returned by the mayor to the branch in which it originated, within ten

days after it shall have been presented to him, the same shall be in force: *provided, however*, that if any such ordinance, order, resolution or vote shall have been passed by the city council within five days next preceding the expiration of the term of office of said city council, and shall not be approved of by the mayor, the same shall be void. The mayor may except from his approval of any ordinance, order, resolution or vote of which he has the power of veto, any portion involving a distinct item of expenditure. In such case instead of returning the original he shall transmit a copy of such portion not approved, which portion shall be reconsidered in the manner and with the effect herein provided for. No contract shall bind the city to the expenditure of a sum exceeding five hundred dollars unless the same be in writing, executed and approved by the mayor on behalf of the city: *provided, however*, that this clause shall not apply to specific contracts made in pursuance of a special vote of the city council or either branch thereof, passed in conformity to the requirements of this section.

Ordinance,
order, etc., in-
volving an ex-
penditure of
money, etc.

Contracts.

SECTION 31. Chapter one hundred and twenty-eight of the acts of the year eighteen hundred and thirty-six, chapter one hundred and eighty-one of the acts of the year eighteen hundred and thirty-eight, chapter one hundred and twenty of the acts of the year eighteen hundred and forty-one, chapter two hundred and three of the acts of the year eighteen hundred and forty-five, chapter thirty-five of the acts of the year eighteen hundred and forty-six, chapter eighty-two of the acts of the year eighteen hundred and forty-seven, chapter one hundred and eighty-two of the acts of the year eighteen hundred and forty-nine, chapter three hundred and twenty of the acts of the year eighteen hundred and fifty-one, chapter two hundred and seven of the acts of the year eighteen hundred and fifty-six, chapter one hundred and eighty-two of the acts of the year eighteen hundred and sixty-one, chapter one hundred and forty-eight of the acts of the year eighteen hundred and seventy, chapter two hundred and forty-five of the acts of the year eighteen hundred and seventy-four, chapter one hundred and seventy-three of the acts of the year eighteen hundred and seventy-five and chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-nine, are hereby repealed; but such repeal shall not revive any act heretofore repealed, nor

Repeal.

shall the repeal of said acts or the annulling of ordinances inconsistent herewith affect any act done, liability incurred, or any right accrued or established, or any suit or prosecution, civil or criminal, to enforce any right or penalty or punish any offence under the authority of said ordinances.

Subject to acceptance within one year by a majority vote.

SECTION 32. This act shall be submitted to the qualified voters of the city of Lowell for acceptance at a special or regular election to be held therein within one year from the passage of this act, and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance.

When to take effect.

SECTION 33. So much of this act as authorizes the submission of the question of its acceptance to the voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted by the voters of said city, as herein provided. *Approved May 31, 1892.*

Chap. 324

AN ACT TO INCORPORATE THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

City of Medford incorporated.

SECTION 1. The inhabitants of the town of Medford shall be a body politic and corporate under the name of the City of Medford, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon the said town as a municipal corporation.

Government, etc., vested in the mayor and the city council.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the city council, except however that the general management and control of the public schools of the city and of the buildings and property pertaining to such schools shall be vested in a school committee.

To be divided into six wards, etc.

SECTION 3. The territory of the city shall first be divided into six wards in the manner hereinafter provided. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the city council passed, with the assent of the mayor, at or prior to the making of such division; but the number of wards shall never be less than six.

Warrants for elections, etc.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal or legal purposes shall be called by warrants

issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner and at such time as the city council may by ordinance direct.

SECTION 5. The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at twelve o'clock, noon, on the first Monday of January and continue until twelve o'clock, noon, on the first Monday of the following January.

Municipal election; municipal year.

SECTION 6. At the municipal election the qualified voters shall in the several wards give in their votes by ballot for mayor and for members of the city council and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office, the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Officers, etc., to be elected by a plurality vote.

SECTION 7. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than four months previous to the expiration of his term of office, the board of aldermen shall forthwith cause a new election to be held as aforesaid to fill the vacancy. In case a vacancy in the office of mayor or of a member of the city council shall occur within the four months previous to the expiration of his term of office, the city council may, in its discretion, order a new election to be held as aforesaid to fill the vacancy.

Vacancies in offices of mayor and members of city council.

SECTION 8. When no convenient wardroom for holding the meetings of the qualified voters of a ward can be

Location of wardrooms.

had within the territorial limits of such ward, the board of aldermen may, in the warrant for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

General meetings of the voters.

SECTION 9. General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the Commonwealth; and such meetings may, and upon the request in writing of fifty qualified voters, setting forth the purposes thereof, shall be called.

City council to be composed of two branches.

SECTION 10. The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The board of aldermen shall be composed of six members, who shall be elected by and from the qualified voters of the city.

Election, etc., of aldermen.

At the first municipal election three aldermen shall be elected who shall hold office for the municipal year next succeeding their election, and three aldermen shall be elected who shall hold office for the two municipal years next succeeding their election; and at every municipal election thereafter three aldermen shall be elected who shall hold office for the two municipal years next succeeding their election. If in any year of a new division of the city into wards the number of the wards shall be changed the terms of office of all the aldermen shall expire at the end of the municipal year in which the division is made, and at the municipal election occurring in such year, aldermen, as many in number as there are

Terms of office.

new wards, shall be elected. The board of aldermen so elected shall, directly after its organization, so assign by lot the terms of the respective members that the terms of one half of the members of the board, as near as may be, shall expire each year thereafter. Three members of the common council shall be elected annually by the qualified voters of each ward, and the councilmen so elected shall hold office for the municipal year next succeeding their election. Councilmen may be elected from the qualified voters of the entire city.

Election, etc., of members of the common council.

Oaths of office of mayor and city council.

SECTION 11. The mayor elect and the members elect of the city council shall on the first Monday in the January succeeding their election, at twelve o'clock, noon,

assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk, or by a justice of the peace. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after the first Monday in January the oath of office may be administered in the presence of either branch of the city council to a member of such branch who was absent on the first Monday in January, or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

Oaths of office
of mayor and
city council.

SECTION 12. Directly after the oaths of office have been administered each branch of the city council shall meet and organize by the election by ballot of a president, and no other business shall be in order until a president has been chosen. The eldest senior member present shall preside until a president has been chosen. The two branches shall by concurrent vote elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of aldermen may elect a temporary clerk who shall act as clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful discharge of his duties, in the presence of the board of aldermen, by the president of the board or by a justice of the peace. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties, in the presence of the council, by the president or by a justice of the peace. Each clerk shall attend the sessions of the branch for which he is elected and shall keep a record of its proceedings and shall perform such further service as such branch may require. The president of the board of alder-

Organization
of each branch
of the city
council, election
of city clerk, etc.

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|---|---|
| Removal from office. | men may be removed from office by the affirmative votes of two thirds of all the members of the said board. The city clerk may be removed by the affirmative votes of two thirds of all the members of each branch of the city council. The president and clerk of the common council may each be removed by the affirmative votes of two thirds of all the members of the common council. In case of the temporary absence or disability of the city clerk, the mayor may, with the consent of the board of aldermen, appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by concurrent vote of the two branches. The |
| Vacancies. | two branches may likewise by ordinance provide for the election by concurrent vote of a city messenger. |
| City messenger. | SECTION 13. Each branch of the city council shall be the judge of the election and qualifications of its own members, shall determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business. |
| Each branch to be judge of election, of its members, etc. | SECTION 14. The mayor may at any time call a special meeting of the city council or of either branch thereof, by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no other business shall be transacted at such special meeting. |
| Mayor may call special meetings, etc. | SECTION 15. In each branch of the city council a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The two branches shall sit separately for the transaction of all business, and subsequent to the day of organization they shall not both act on the same day upon a matter involving the appropriation or expenditure of money. |
| City council, quorum; transaction of business. | SECTION 16. The city council shall by ordinance determine the salary of the mayor and may in like manner change such salary from time to time, but no ordinance changing the salary shall take effect until the expiration of the current term of the mayor then in office. |
| Salary of mayor. | SECTION 17. All votes of the city council making appropriations or loans of money shall be in itemized form, |
| Appropriations and loans. | |

and when brought before the city council on recommendation of the mayor no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two thirds of the members of each branch present and voting thereon.

SECTION 18. Either branch of the city council may, by special vote, hold private sittings for the consideration of candidates for election, and the board of aldermen may likewise hold private sittings for the consideration of nominations by the mayor, but all other sittings shall be public and all votes on election and on confirmation of appointments by the mayor shall be taken in public.

City council, sessions.

SECTION 19. No member of the city council shall during the term for which he is elected hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the city council or before either branch or any committee thereof.

Members not to hold certain other offices.

SECTION 20. Neither the city council nor either branch thereof, nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or, in general, in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants and as may be necessary for defraying the contingent and incidental expenses of the city council or of either branch thereof.

Employment of labor, making of contracts, etc.

SECTION 21. The city council shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one or more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

Ordinances may be made with penalties affixed, etc.

SECTION 22. The city council shall, subject always to the approval of the mayor, have exclusive authority and

Laying out, etc., of streets and ways, etc.

Laying out, etc.,
of streets and
ways, etc.

power to order the laying out, locating anew and discontinuing of, and the making of specific repairs in, all streets and ways and all highways within the limits of the city; to assess the damages sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing; but in all such matters action shall first be taken by the board of aldermen. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

General powers
and duties of
the city council.

SECTION 23. Except as herein otherwise provided the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils under the general laws of the Commonwealth and be subject to the duties imposed on city councils; and the board of aldermen shall have and exercise all the powers, other than executive, given to selectmen of towns and to the selectmen of the town of Medford under any special laws heretofore passed with reference to said town of Medford not inconsistent herewith, and shall have all the powers and authority given to boards of aldermen of cities and shall be subject to the duties imposed upon such boards.

Mayor to hold
office for two
years.

SECTION 24. The mayor shall be elected from the qualified voters of the city and shall hold office for the two municipal years next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

To be the chief
executive
officer.

SECTION 25. The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him either personally or through the several officers and boards in their respective departments, under his general supervision and control.

To cause laws,
ordinances, etc.,
to be enforced.

SECTION 26. The mayor shall communicate to the city council such information and shall recommend such measures as in his judgment the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall

secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

SECTION 27. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

In absence, etc., of mayor, the president of the board of aldermen to act, etc.

SECTION 28. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city, unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when the appointment is transmitted to the board. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

Mayor to appoint certain officers subject to confirmation of board of aldermen.

Removal of officers.

SECTION 29. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may, without the confirmation of the board of aldermen, appoint one or more clerks, whose number and compensation shall be fixed by the city council.

Mayor, official record, clerks.

SECTION 30. The mayor shall as often as once in each month call together for consultation upon the affairs of the city, the heads of departments, who shall whenever called upon furnish such information relative to their respective departments as he may request.

To call heads of departments in consultation.

Estimates of amount deemed necessary for the several departments.

SECTION 31. The mayor shall in the month of January of each year cause to be made to him by the heads of departments and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of the following February, and he shall, not later than the first week in February, transmit such estimates to the city council, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Appropriations and expenditures.

SECTION 32. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, unless by authority of the city council first obtained, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Detailed statements of receipts and expenditures to be published.

SECTION 33. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Administrative officers of the city.

SECTION 34. There shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties not inconsistent with the nature of their respective offices and with general laws as the city council may prescribe: — 1. A city treasurer. 2. A city collector. 3. A city auditor. 4. A city solicitor. 5. A board of assessors, consisting of three persons. 6. A board of overseers of the poor, consisting of three persons. 7. A board of health, consisting of three persons. 8. A city physician. 9. A street commissioner, who shall have the powers of a surveyor of highways; — but, instead thereof, the city council may confer such powers upon a board of street commissioners or a board of public works. The city

council may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other offices, for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public hospital and for other municipal purposes; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting either of the boards above-specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as above provided, and may abolish an office or board so hereafter established. It shall be the duty of the mayor to appoint all the officers above-specified, and unless otherwise provided all those for whom provision shall hereafter be made as above, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March and shall continue for one year or for such other period as the city council shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall be first appointed hereunder, shall begin respectively upon their appointment and qualification. Every administrative officer shall unless sooner removed hold office until his successor is appointed and qualified.

Establishment of additional boards and offices.

Reorganization of boards, etc.

Appointment and terms of office.

SECTION 35. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the mayor; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Administrative officers, oaths, official records.

SECTION 36. The city council may require the city treasurer, the city collector, the city auditor and such other officers whose appointment is provided for in the preceding sections, as are intrusted with the receipt, care

Treasurer, collector, etc., may be required to give bonds.

Estimates of amount deemed necessary for the several departments.

SECTION 31. The mayor shall in the month of January of each year cause to be made to him by the heads of departments and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of the following February, and he shall, not later than the first week in February, transmit such estimates to the city council, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Appropriations and expenditures.

SECTION 32. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, unless by authority of the city council first obtained, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Detailed statements of receipts and expenditures to be published.

SECTION 33. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Administrative officers of the city.

SECTION 34. There shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties not inconsistent with the nature of their respective offices and with general laws as the city council may prescribe: — 1. A city treasurer. 2. A city collector. 3. A city auditor. 4. A city solicitor. 5. A board of assessors, consisting of three persons. 6. A board of overseers of the poor, consisting of three persons. 7. A board of health, consisting of three persons. 8. A city physician. 9. A street commissioner, who shall have the powers of a surveyor of highways; — but, instead thereof, the city council may confer such powers upon a board of street commissioners or a board of public works. The city

council may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other offices, for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public hospital and for other municipal purposes; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting either of the boards above-specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as above provided, and may abolish an office or board so hereafter established. It shall be the duty of the mayor to appoint all the officers above-specified, and unless otherwise provided all those for whom provision shall hereafter be made as above, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March and shall continue for one year or for such other period as the city council shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall be first appointed hereunder, shall begin respectively upon their appointment and qualification. Every administrative officer shall, unless sooner removed hold office until his successor is appointed and qualified.

Establishment of additional boards and offices.

Reorganization of boards, etc.

Appointment and terms of office.

SECTION 35. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the mayor; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Administrative officers, oaths, official records.

SECTION 36. The city council may require the city treasurer, the city collector, the city auditor and such other officers whose appointment is provided for in the preceding sections, as are intrusted with the receipt, care

Treasurer, collector, etc., may be required to give bonds.

or disbursement of money, to give bonds with such security as it shall deem proper, for the faithful discharge of their respective duties.

Administrative boards, etc., may appoint and discharge subordinate officers, etc.

SECTION 37. The administrative boards and officers above-specified in section thirty-four, and every administrative board and officer hereafter established by the city council under the provisions of sections thirty-four to forty-five inclusive, and having the charge of a department, shall have the power, except as herein otherwise provided, to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to inspection, of all so appointed and employed and of all discharged and removed, and in case of discharge and removal of the grounds therefor.

May employ labor, make contracts, etc.

SECTION 38. The several administrative boards and officers having charge of departments shall within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall in order to be valid require the signature of the mayor, and except as herein otherwise provided or by law required no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

Contracts in excess of \$300 to be approved by the mayor, etc.

Police department.

SECTION 39. The city council may establish a police department and provide for the appointment of a chief of police and of other members of the police force by the mayor, or by a police board, or for the appointment of other members of the force by a chief of police to be appointed by the mayor.

Fire department.

SECTION 40. The city council may establish a fire department and provide for the appointment of a chief engineer and of other members of the department by the mayor, or by a fire board, or for the appointment of other

members of the département by a chief engineer to be appointed by the mayor.

SECTION 41. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose by concurrent vote three persons to be water commissioners, one for three years, one for two years and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose in the same manner one person who shall hold his office for the term of three years next ensuing and until another shall be chosen and qualified in his stead. Vacancies occurring in the commission may be filled by concurrent vote of the city council at any time. The city council may at any time remove any member of said commission from said office for cause. All power and authority now vested by law in the water commissioners for the town of Medford shall be transferred to and vested in the water commissioners for the city of Medford.

Water commis-
sioners.

SECTION 42. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose by concurrent vote three persons to be trustees of the public library, one for one year, one for two years and one for three years; and thereafter the city council shall annually, as soon as may be convenient after their organization, choose in the same manner one person who shall hold his office for the term of three years next ensuing and until another shall be chosen and qualified in his stead. Vacancies occurring in said trustees may be filled by concurrent vote of the city council at any time. The city council may at any time remove any of said trustees from said office for cause. Said trustees shall have the management and control of the public library of said city of Medford and the expenditure of all moneys which may be appropriated by said city for said library, and of all moneys which may come into the possession of said city for the benefit of said library, and may employ such assistants as they shall deem necessary and establish their rate of compensation.

Trustees of the
public library.

SECTION 43. The city council first chosen after the acceptance of this act shall, as soon as may be convenient after their organization, choose by concurrent vote five persons to be trustees of Oak Grove cemetery, one for one year, one for two years, one for three years, one for four

Trustees of
Oak Grove
cemetery.

years and one for five years ; and thereafter the city council shall annually, as soon after their organization as may be convenient, choose in the same manner one person who shall hold his office for the term of five years next ensuing and until another shall be chosen and qualified in his stead. Vacancies occurring in the trustees may be filled by concurrent vote of the city council at any time. The city council may at any time remove any of said trustees from said office for cause. Said trustees shall have and exercise all powers heretofore conferred upon the trustees of Oak Grove cemetery by the town of Medford, and all powers which the city council may by ordinance hereafter confer upon said trustees.

Boards and departments to give information, etc., upon request of city council, etc.

SECTION 44. Every administrative board, through its chairman, and every officer having charge of a department shall, at the request of either branch of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office ; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Salaries to be established by ordinance.

SECTION 45. The city council shall establish by ordinance the salary or compensation of every administrative officer, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

School committee.

SECTION 46. The management and control of the schools of the city shall be vested in a school committee, consisting of members at large and members from wards. At the first municipal election held under this act three members at large of the school committee, who shall be inhabitants of the city, shall be elected by the qualified voters of the entire city, one to serve for the term of three years, one for the term of two years and one for the term of one year, beginning with the first Monday in the January then next ensuing ; and thereafter one member at large of the school committee shall be elected in like manner at each annual municipal election to serve for the term of three years, beginning with the first Monday in the January next ensuing, in place of the member at large whose term then expires. At the first election so held, six members from wards, of the school committee, one being an inhabitant

of each ward, shall be elected by the qualified voters of the entire city. Two of such members shall serve for terms of three years, two for terms of two years and two for terms of one year, beginning with the first Monday in the January next ensuing; and their respective terms shall be assigned to them by lot, directly after their election, by the selectmen of the town. At each subsequent annual municipal election the qualified voters of the city shall elect two members from wards, of the school committee, inhabitants of the same wards from which the members whose terms of office then expire were elected, to serve for terms of three years as aforesaid. If however in any year there shall be a new division of the city into wards, the terms of office of all the members from wards, of the school committee, shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year, members from wards, as many in number as there are new wards, and one being an inhabitant of each ward, shall be elected by the qualified voters of the city; and the mayor shall by lot make such arrangement of the terms of the respective members from wards, of the school committee, that the terms of one third of the members of the school committee, as near as may be, shall expire each year.

SECTION 47. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the president of the board of aldermen shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

Vacancy in office of member of the school committee.

SECTION 48. The school committee shall meet on the first Monday in January in each year and organize by the election by ballot of one of its members as chairman, and by the election of a clerk. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a

School committee to organize on the first Monday in January.

quorum for the transaction of business, but a smaller number may adjourn from time to time.

To elect superintendent of schools.

SECTION 49. The school committee may elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

May purchase lands for school purposes, etc.

SECTION 50. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees shall, subject to the approval of the mayor and to the provisions of the three following sections, have full power and authority to select and purchase lands for school purposes, to determine the plans of all school buildings to be erected, to order all additions, alterations and repairs to school buildings, and to provide, when necessary, temporary accommodations for school purposes.

To make estimate of expenses for succeeding financial year.

SECTION 51. The school committee shall in the month of January in each year submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary.

To incur no expenditure beyond the specific appropriation.

SECTION 52. Unless thereto required by law the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year, and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Orders, etc., involving expenditure of money to be presented to mayor for approval.

SECTION 53. All orders, resolutions and votes of the school committee which involve the expenditure of money shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had as are provided by law in relation to similar orders, resolutions and votes of a city council.

Salaries.

SECTION 54. The city council may determine whether salaries shall be paid to the members of the school com-

mittee and may fix the amount thereof, and may change the same from time to time.

SECTION 55. The removal of a member of the school committee from the ward for which he was elected, to another ward of the city, shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected.

Removal from ward not a disqualification.

SECTION 56. The general laws relating to the municipal indebtedness of cities, the general laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, and all acts in amendment thereto, shall have full force, application and effect in said city, but said city shall be exempted from the operation of section one of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five until the first day of January in the year eighteen hundred and ninety-seven.

Municipal indebtedness, etc.

SECTION 57. All persons holding office in said town at the time when this act takes effect and becomes of force therein, as herein provided, shall continue to hold such offices until the organization of the city government hereby authorized shall be effected, and until their respective successors shall be chosen and qualified.

Present officers to continue until new organization.

SECTION 58. No suits, prosecutions or other legal proceedings in which said town is a party, pending at the time when this act takes effect in said town, and no rights then already accrued or penalties or forfeitures incurred under any such proceedings, shall be affected or impaired by the taking effect of this act, and all by-laws of said town shall continue in force until repealed or superseded by ordinance.

Pending legal proceedings not to be affected.

SECTION 59. Trust funds now or hereafter given to or held by said town shall be received, held and administered by the city council of the city, and trust funds now or hereafter given to or held by the selectmen or other designated officers of the town shall be received, held and administered by the mayor or by other officers of the said city having powers corresponding to those of the officers who formerly held and administered such funds.

Trust funds.

SECTION 60. All general laws in force in the town of Medford when this act shall be accepted as herein pro-

General and special laws to continue in force.

vided, and all special laws heretofore passed with reference to said town of Medford, and which shall then have been duly accepted by said town, and which shall then be in force therein, shall, until altered, amended or repealed, continue in force in the said city of Medford.

Territory to be divided into six wards.

Suitable polling places to be provided.

List of voters to be published.

Selectmen to notify persons elected at the first election.

To provide place for meeting of school committee, etc.

SECTION 61. Upon the taking effect of this act as herein provided the selectmen of said town shall forthwith divide the territory of the town into six wards, so that the wards shall contain, as nearly as may be consistent with well defined limits to each, equal numbers of voters, and they shall designate the wards by numbers. They shall for the purpose of the first municipal election to be held hereunder, which shall take place on the second Tuesday in the December next succeeding such taking effect, provide suitable polling places in the several wards, and shall give notice thereof; and shall, at least ten days previous to such second Tuesday in December, appoint all proper election officers for such election; and they shall in general have the powers and perform the duties of the mayor and the board of aldermen of cities under the general laws relating to elections in cities, the provisions of which shall so far as applicable apply to such election; and the town clerk shall perform the duties therein assigned to a city clerk. The registrars of voters shall cause to be prepared and published, according to law, lists of the qualified voters in each of the wards established by the selectmen.

SECTION 62. The selectmen shall notify of their election the persons elected at the first election under this act, and shall provide and appoint a place for the first assembling of the mayor and city council, and for the meeting of the city council on the first Monday in the January next ensuing; and shall, by written notices left at their respective places of residence at least twenty-four hours prior to such assembling, notify thereof the mayor elect and the members elect of the city council, who shall proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall in like manner provide and appoint a place and hour for the first meeting of the school committee on the day aforesaid, and shall notify the members elect thereof. Nothing herein shall affect the annual meeting in said town, which may be held next after the taking effect of this act, for the election of national, state, district and county officers.

SECTION 63. A meeting may be called for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time after the passage hereof, except in the months of November and December. At such meetings the polls shall be open not less than eight hours and the vote be taken by ballot, in accordance with the provisions of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety, and of all other acts relating to town elections, so far as the same shall be applicable, in answer to the question, "Shall an act passed by the general court in the year eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Medford' be accepted?"; and the affirmative votes of the majority of the voters present and voting thereon shall be required for its acceptance. If at the meeting so called this act shall fail to be thus accepted, it may at the expiration of one year from any such previous meeting be again thus submitted for acceptance, but not after the period of three years from the passage hereof.

Meetings for submission of question of acceptance.

SECTION 64. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town as herein prescribed.

When to take effect.

Approved May 31, 1892.

AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO TAKE CERTAIN LAND IN SAID CITY FOR A PARKWAY. *Chap.325*

Be it enacted, etc., as follows:

SECTION 1. The city of Chelsea is hereby authorized to use so much of Broadway square in said city as may be necessary for the purposes of a parkway or park.

May take land for a park.

SECTION 2. This act shall not take effect unless accepted by the city council of the city of Chelsea within three months from its passage. *Approved May 31, 1892.*

Subject to acceptance within three months.

AN ACT TO AUTHORIZE THE NAUKEAG WATER COMPANY TO INCREASE ITS WATER SUPPLY. *Chap.326*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and one of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting after the word

1893, 201, § 2, amended.

May take
water, etc., in
Ashburnham.

May construct
and lay down
conduits, etc.

“Adams”, in the fourth line thereof, the words:—and others,—so as to read as follows:— *Section 2.* The said corporation, for the purposes aforesaid, may take by purchase or otherwise, and hold, the water of any springs or streams, or of any other water sources, on land owned by the said Ivers W. Adams and others in said town of Ashburnham, but nothing in this act shall authorize the taking of the water of any spring, brook or pond flowing into Miller's river, or any branch thereof, within said town of Ashburnham, and the water rights connected with any such water sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1892.

Chap. 327 AN ACT IN RELATION TO ENFORCING THE LIABILITY OF SHAREHOLDERS IN TRUST COMPANIES.

Be it enacted, etc., as follows:

Liability of
shareholders in
trust companies
to be enforced.

SECTION 1. Any trust company whose shareholders are liable in the manner set forth in section fourteen of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight, whose capital stock shall in the opinion of the board of commissioners of savings banks have become impaired by losses or otherwise, shall, within three months after receiving notice from said board, pay the deficiency in the capital stock by assessment

upon the shareholders, pro rata, for the amount of the capital stock held by each. If any such company shall fail to pay up such deficiency in its capital stock for three months after receiving notice from said board of commissioners of savings banks, said board may apply to a justice of the supreme judicial court for an injunction against it, as provided in section six of chapter one hundred and sixteen of the Public Statutes: *provided*, that if any shareholder or shareholders of such company shall neglect or refuse, after three months' notice, to pay the assessment as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction, after thirty days' notice shall be given by posting such notice of sale in the office of the company and by publishing such notice in a newspaper of the city or town in which the company is located or in a newspaper published nearest thereto, to make good the deficiency; and the balance, if any, shall be returned to such delinquent shareholder or shareholders.

Provided.

SECTION 2. Nothing in this act shall be construed to take away the right of creditors to enforce the liability of shareholders in such corporations, as provided by section fourteen of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight, or to increase the general liability of such shareholders.

Not to take away, etc., rights of creditors under 1888, 413, § 14.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1892.

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES OF THE SUPERIOR COURT. Chap. 328

Be it enacted, etc., as follows:

SECTION 1. The chief justice of the superior court shall be paid out of the treasury of the Commonwealth an annual salary of six thousand dollars, and five hundred dollars annually in full compensation for travelling expenses; and each of the associate justices of said court shall be paid out of said treasury an annual salary of five thousand five hundred dollars, and five hundred dollars each annually in full compensation for travelling expenses, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

Salaries established.

Repeal.

SECTION 2. Section two of chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1892.

Chap. 329 AN ACT TO INCORPORATE THE FALL RIVER REAL ESTATE ASSOCIATION.

Be it enacted, etc., as follows :

Fall River Real Estate Association of Fall River, incorporated.

SECTION 1. Arnold B. Sanford, Frank S. Stevens, John D. Flint and Andrew J. Jennings, their associates and successors, are hereby made a corporation for the term of twenty-five years from the date of the passage of this act, by the name of the Fall River Real Estate Association of Fall River; subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have the powers and be subject to the liabilities and restrictions prescribed therein.

May hold, sell, mortgage, etc., real estate in Fall River.

SECTION 2. The said corporation shall have power to purchase and hold the following described real estate situate in Fall River in this Commonwealth, to wit: — one certain lot of land bounded north by Central street, east by Main street, south by Pocasset street and west by land of Pocasset Manufacturing Company; also one certain lot of land bounded north by Pocasset street, easterly by South Main street, southerly by land of Chappel heirs and westerly by a twelve foot way and land of the Herald Publishing Company, and to sell, mortgage, let, lease and improve the same, and to erect dwelling houses and other buildings and structures thereon, as may be deemed necessary and expedient.

Capital stock and shares.

Proviso.

SECTION 3. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each: *provided*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in either in cash or property, the value of which property, if any, shall be determined by the commissioner of corporations.

May increase capital stock.

Proviso.

SECTION 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of four hundred thousand dollars: *provided*, that no shares in such increased capital

stock shall be issued for a less sum to be actually paid in on each share in cash or property than the par value thereof, which shall not be less than one hundred dollars, the value of said property to be determined as aforesaid; and also *provided*, that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth. Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved May 31, 1892.

AN ACT TO PROVIDE A PENALTY FOR INTIMIDATING LABORERS.

Chap. 330

Be it enacted, etc., as follows:

Any person or corporation, or agent or officer on behalf of such person or corporation, who shall hereafter coerce or compel any person or persons to enter into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such person or corporation, shall be punished by a fine of not more than one hundred dollars. Penalty for intimidating laborers.

Approved May 31, 1892.

AN ACT RELATING TO PEDDLING BY MINORS.

Chap. 331

Be it enacted, etc., as follows:

Section two of chapter sixty-eight of the Public Statutes is hereby amended by striking out all of said section and inserting in place thereof the following new section: — *Section 2.* The mayor and aldermen of a city, and the selectmen of a town, may make regulations prohibiting or regulating and providing for issuing licenses for the sale by minors of any goods, wares or merchandise, the sale of which is permitted by the preceding section; such licenses to be issued on the terms and conditions prescribed in such regulations. Any minor who shall sell any such articles without a license, when one is required, or who shall violate any such regulation or any of the terms or conditions of any such license, shall be punished by a fine not exceeding ten dollars for each offence. P. S. 68, § 2, amended.

Cities and towns may regulate sales by minors.

Penalty.

Approved May 31, 1892.

Chap.332 AN ACT TO SECURE GREATER SECRECY OF THE BALLOT WHEN A
VOTER IS CHALLENGED.

Be it enacted, etc., as follows:

Giving informa-
tion regarding a
ballot cast by a
challenged
voter, pro-
hibited.

SECTION 1. No election officer, or officer whose duty it may be to recount the votes cast at any election, shall make any statement or give any information in regard to a ballot deposited by a challenged voter at any election, except as required by law. No person other than said officers shall make any statement or give any information in regard to any ballot cast by a challenged voter at any election.

Penalties.

SECTION 2. Whoever violates any provision of this act shall be punished by fine of not less than twenty dollars nor more than two hundred dollars, or by imprisonment in the jail for not exceeding one year, or by both such fine and imprisonment.

Approved May 31, 1892.

Chap.333 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSIONER
OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

Commissioner
of public
records to be
appointed.

SECTION 1. A commissioner of public records shall be appointed by the governor, with the advice and consent of the council, who shall hold his office for three years from the date of his commission and until his successor is appointed and qualified, unless sooner removed by the governor. Upon the occurrence of a vacancy before the expiration of the term, an appointment shall be made for the remainder of the term. The commissioner shall be provided with an office in the state house or in some other suitable place in the city of Boston.

To be provided
with an office.

Salary.

SECTION 2. The annual salary of said commissioner shall be twenty-five hundred dollars. Said commissioner may expend such sums for travelling, clerical and other expenses necessary in the performance of his duties as the governor and council may approve, but the total expenditure for such expenses shall not in any one year exceed twenty-five hundred dollars.

Duties of the
commissioner.

SECTION 3. It shall be the duty of said commissioner to take such action as may be necessary to put the public records of the counties, cities, towns, churches, parishes or religious societies of the Commonwealth, in the custody and condition contemplated by the various laws relating to such records, and to secure their preservation.

SECTION 4. He shall make a report in writing to the legislature in January of each year, of the results of his labors in accordance herewith, with such recommendations and suggestions as may seem important for the safety and benefit of said records.

To make annual report to the legislature.

SECTION 5. This act shall take effect upon its passage.

Approved May 31, 1892.

AN ACT TO INCORPORATE THE ONSET WATER COMPANY.

Chap. 334

Be it enacted, etc., as follows:

SECTION 1. Joseph K. Nye, William F. Nye and Henry G. Dennis, their associates and successors, are hereby made a corporation by the name of the Onset Water Company, for the purpose of furnishing the inhabitants of that part of the town of Wareham known as Onset Bay, Point Independence and Plymouth Park, with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Onset Water Company incorporated.

SECTION 2. Said corporation, for the purposes aforesaid, may take the waters of Sturtevant's pond, so-called, in the town of Wareham, and of the tributaries thereof, with any water rights connected therewith, and may also take and hold, by purchase or otherwise, any real estate, rights of way or easements necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing said waters to said inhabitants.

May take waters of Sturtevant's pond, in Wareham.

SECTION 3. The said corporation shall, within sixty days after the taking of the waters of said Sturtevant's pond, or any water rights or water sources, or any real estate, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the office of the registry of deeds for the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

To file in registry of deeds a description of water rights, etc., taken.

SECTION 4. Said corporation may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appli-

May erect dams and fixtures, make excavations, etc.

ances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May distribute water, and fix and collect water rates.

SECTION 5. The said corporation may distribute water to the inhabitants, residents, cottages and public buildings in Onset Bay Grove, Point Independence and Plymouth Park, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that may hereafter be established therein, or with the Onset Bay Grove Association, or with any individual or other corporation, to supply water for the extinguishment of fires or for any other purposes, as may be mutually agreed upon.

Liability for damages.

SECTION 6. Said corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land, water or water rights, or by constructing any aqueducts or other works for the purposes specified in this act; and if any person who shall sustain damages as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, determined and recovered in the manner now provided by law in case of land taken for highways.

Real estate not to exceed \$7,000.

Capital stock and shares.

SECTION 7. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount seven thousand dollars; and the whole capital stock of said corporation shall not exceed thirty-five thousand dollars, to be divided into shares of one hundred dollars each.

May issue bonds and secure by mortgage.

SECTION 8. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the

company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wantonly polluting or diverting water.

SECTION 10. The town of Wareham, and any fire district that is or may hereafter be established therein, shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost, and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Wareham, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town or such fire district and shall be deducted from the amount required to be paid by said town or such fire district to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town or such fire district by a two thirds vote of the voters of said town or such fire district present and voting thereon at a meeting legally called for that purpose.

Town of Wareham or a fire district therein may at any time take franchise and property.

Statement of receipts and expenditures to be made annually.

Authority to purchase to be assented to by a two thirds vote.

Wareham
Water Loan not
to exceed
\$35,000.

SECTION 11. The said town or fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds or scrip to an amount not exceeding in the aggregate thirty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words, Wareham Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town or of the fire district and countersigned by the chairman of the water commissioners hereinafter provided for. The said town or fire district may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town or fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund to
be established.

May provide for
payment of loan
in annual pro-
portionate pay-
ments.

SECTION 12. The said town or fire district instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return to state
amount of sink-
ing fund estab-
lished.

SECTION 13. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise annu-
ally by taxation,
a sum sufficient,

SECTION 14. The said town or fire district shall raise annually by taxation a sum which, with the income de-

rived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town or fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

with income from water rates to pay current expenses, etc.

SECTION 15. The said town or fire district shall, after the purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town or district meeting, to constitute a board of water commissioners; and at each annual town or district meeting thereafter, one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or district by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town or district may impose by vote; said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or district at any legal town or fire district meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of the sinking fund.

Vacancies.

SECTION 16. This act shall take effect upon its passage, but shall become void unless work under it shall be commenced within three years from the date of its passage.

Work to be commenced within three years.

Approved June 2, 1892.

AN ACT TO INCORPORATE THE MEDWAY WATER COMPANY.

Chap. 335

Be it enacted, etc., as follows:

SECTION 1. E. Cutler Wilson, Edwin V. Mitchell, Frederick L. Fisher, Daniel S. Woodman, John D. Shippee, Henry E. Bullard and Wendell B. Clapp, their associates and successors, are hereby made a corporation by the name of the Medway Water Company, for the purpose of furnishing the town of Medway and the inhab-

Medway Water Company incorporated.

itants thereof with water for the extinguishment of fires and for domestic, manufacturing and other purposes; with all the powers and privileges and subject to the duties, restrictions and liabilities which now are and may hereafter be in force applicable to such corporations, except as hereinafter provided.

Town may contract with corporation for supply of water.

SECTION 2. The town of Medway may contract with said corporation to furnish water for the purposes aforesaid, for any term of years, for such price as may mutually be agreed upon between said corporation and said town.

Corporation may take water from ponds, streams, etc., in Medway.

SECTION 3. Said corporation may take, hold and convey through the town of Medway or any part thereof, so far as may be necessary for said purpose, the water of any spring or springs, or of any pond or ponds, or of any stream or streams, within the town of Medway, and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same or for erecting and maintaining a pumping station, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held, or for forming any dams or reservoirs to hold the same; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections, and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same; and may under the direction of the board of selectmen enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works, and in general may do any other acts and things convenient or proper for carrying out the purpose of this act.

To file in registry of deeds, a description of the land, etc., taken.

SECTION 4. Said corporation shall, within sixty days after the taking of any land or water rights under the provisions of this act, file in the registry of deeds of the county of Norfolk a description of any land or water rights so taken, sufficiently accurate for identification, with a statement of the purposes for which it is so taken; and the title of the land or water rights so taken shall vest in said corporation.

Damages.

SECTION 5. Any person or corporation injured in any way by the taking of land and water rights as aforesaid,

or by any act of said corporation as before provided, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken and diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid, within three years from the time the water is actually withdrawn or diverted, and not thereafter; and no suit for injury done under this act shall be brought after three years from the date of the alleged receipt of injury.

SECTION 6. Said corporation, for the purposes set forth in this act, may hold real estate not exceeding in amount thirty thousand dollars, and its whole capital stock shall not exceed eighty-five thousand dollars, to be divided into shares of one hundred dollars each.

Real estate,
capital stock
and shares.

SECTION 7. Said corporation may purchase from the owner or owners of any aqueduct or system of water works now used in furnishing water to any of the inhabitants of the said town of Medway, his or their whole water right, estate, property and privileges, and by such purchase shall become entitled to all the rights and privileges and subject to all the liabilities and duties appertaining and belonging to such owner or owners.

May purchase
other water
works.

SECTION 8. The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

May issue
bonds, etc.

SECTION 9. The town of Medway shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking as herein provided, at the rate of five per cent. per annum. If the cost of maintaining

Town may take
franchise and
property at any
time.

and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation or company for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Medway, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town and shall be deducted from the amount required to be paid by said town to said corporation under the provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Statement of receipts and expenditures to be made annually.

Authority to purchase to be assented to by a two thirds vote.

Corporation may be required to give security for payment of damages and costs.

SECTION 10. The owners of land and water rights taken under this act, upon application by either party for an estimate of damages, may require said corporation to give security satisfactory to the county commissioners of said county for the payment of all damages and costs which may be awarded to them for the land or other property taken. And if, upon petition of the owners with notice to the adverse party, the security appears to the county commissioners of said county to have become insufficient, they shall require said corporation to give further security to their satisfaction; and all the right or authority of the corporation to enter upon or use said land and other property, except for making surveys, shall be suspended until it gives the security required.

Penalty for diverting water or rendering it impure, etc.

SECTION 11. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam or aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purposes of this act, he shall forfeit and

pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort ; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

SECTION 12. This act shall be null and void unless said corporation shall within three years from the passage thereof avail itself of its provisions and commence the prosecution of the work herein authorized.

Work to be commenced within three years.

Approved June 2, 1892.

AN ACT TO AUTHORIZE THE WILLIAMSTOWN WATER COMPANY TO INCREASE ITS WATER SUPPLY.

Chap. 336

Be it enacted, etc., as follows :

SECTION 1. The Williamstown Water Company, for the purpose of supplying the inhabitants of Williamstown with pure water for the extinguishment of fires and for domestic and other purposes, may take by purchase or otherwise and hold the waters of Paul brook, so-called, and the springs connected therewith, situate on Saddle mountain, so-called, in the town of North Adams, and the water rights connected with such water sources ; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of the said town of Williamstown ; and may erect upon the land thus taken or held proper dams, buildings and other structures, and may make excavations and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works ; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same ; and for the purpose of constructing, maintaining and repairing the same, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

Water supply for Williamstown.

Provisions of
1886, 311, to
apply, etc.

SECTION 2. The provisions of chapter three hundred and eleven of the acts of the year eighteen hundred and eighty-five shall apply to this act as far as practicable.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1892.

Chap. 337 AN ACT RELATING TO THE DUTIES OF JUDGES OF PROBATE AND INSOLVENCY.

Be it enacted, etc., as follows:

A judge of probate may act in another county in case of vacancy, etc.

SECTION 1. When a judge of probate and insolvency is unable to perform his duties, or if there is a vacancy in the office in any county, the duties of such office shall be performed in the same county by the judge of probate and insolvency of any other county designated by the register of probate and insolvency from time to time as necessity or convenience may require.

Register to keep record of days, etc., employed.

SECTION 2. Such register shall certify on his records, and also to the auditor of the Commonwealth, the number of days and the dates of the same in which said duties are performed by the judge of another county, under the provisions of the preceding section.

Compensation.

SECTION 3. The judge performing the duties aforesaid shall be entitled to receive from the treasury of the Commonwealth, in addition to the amount now allowed to him by law, the sum of fifteen dollars a day for each day that he performs such duties.

Certificate of services performed in Suffolk county to be filed with register.

SECTION 4. The register of probate and insolvency for the county of Suffolk shall, upon the passage of this act, certify to the auditor of the Commonwealth the number of days and dates of the same, since the thirty-first day of December in the year eighteen hundred and ninety-one in which the judge of another county has performed the duties of the judge of probate and insolvency for the county of Suffolk; and the judges who have from time to time, since said thirty-first day of December, performed such duties, shall be entitled to receive for such service the sum of fifteen dollars a day, to be paid from the treasury of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved June 2, 1892.

AN ACT TO ESTABLISH A COMMISSION TO IMPROVE THE HIGHWAYS OF THIS COMMONWEALTH. *Chap. 338*

Be it enacted, etc., as follows :

SECTION 1. The governor with the advice and consent of the council shall, within thirty days from the passage of this act, appoint three persons, one of whom shall be a civil engineer, whose terms of office shall expire on the first Wednesday of February in the year eighteen hundred and ninety-three, to consider what legislation is necessary for the better construction and maintenance of the highways in this Commonwealth.

Commission to improve the highways of the Commonwealth to be appointed.

SECTION 2. The said commission shall forthwith proceed to investigate and consider the best and most practical method of construction and maintenance of highways, and the estimated cost of the various methods and systems; the establishment of state or county highways, with recommendations as to their construction and maintenance; routes and the approximate cost; also the geological formation so far as it relates to the material suitable and proper for road building. Said commission shall prepare suitable maps and plans on which shall be clearly drawn the various routes they recommend.

To recommend best methods of construction, etc.

SECTION 3. Said commission may establish rules and regulations for the conduct of its business and shall be provided with suitable quarters by the sergeant-at-arms in the state house or elsewhere. They may employ experts and all necessary clerical and other assistants, and may incur such reasonable expenses, including travelling expenses, as may be authorized by the governor and council. Before incurring any expenses they shall from time to time estimate the amount required, and shall submit the same to the governor and council for their approval; and no expense shall be incurred by the commission beyond the amount so estimated and approved. Said commission shall receive such compensation as the governor and council may decide: *provided*, the whole amount expended under the provisions of this act shall not exceed ten thousand dollars.

May establish rules and regulations.

To submit estimates of expenses to the governor and council.

Compensation.

SECTION 4. The county commissioners, boards of selectmen and aldermen, and other officers having authority over public ways, roads and bridges throughout the Commonwealth, shall at reasonable times, on request, furnish the commissioners any information required by them concern-

Information to be furnished by county commissioners, etc.

ing the public ways, roads or bridges within their jurisdiction. The commissioners may furnish blank forms for returns to be made to them by such officers, and may make changes in and additions to such forms.

To make report
to the legis-
lature.

SECTION 5. The said commission shall report fully with plans and estimates and their recommendations to the legislature on or before the first Wednesday of February in the year eighteen hundred and ninety-three, and shall append to its report a draft of a bill intended to accomplish the recommendations of the commission.

Vacancies.

SECTION 6. Any vacancy in the commission may be filled by the governor with the advice and consent of the council.

SECTION 7. This act shall take effect upon its passage.

Approved June 2, 1892.

Chap. 339 AN ACT MAKING APPROPRIATIONS FOR THE WORLD'S COLUMBIAN EXPOSITION, FOR THE MASSACHUSETTS HOSPITAL FOR DIPSO-
MANIACS AND INEBRIATES, AND FOR CERTAIN OTHER EXPENSES
AUTHORIZED BY LAW.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, for the world's Columbian exposition, for the Massachusetts hospital for dipsomaniacs and inebriates, and for certain other expenses authorized by law, to wit : —

First district
attorney for
Suffolk district.

For the salary of the first assistant district attorney for Suffolk district, the sum of three hundred thirty-six dollars and eleven cents, as authorized by chapter two hundred and thirty-three of the acts of the present year, being in addition to the twenty-eight hundred dollars appropriated by chapter two of the acts of the present year.

First clerk of
commissioners
of savings
banks.

For the salary of the first clerk of the commissioners of savings banks, the sum of five hundred dollars, as authorized by chapter two hundred and forty-eight of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter eleven of the acts of the present year.

Second clerk in
office of the dis-
trict police.

For the salary of the second clerk in the office of the chief of the district police, the sum of two hundred dollars, as authorized by chapter two hundred and forty-nine of the acts of the present year, being in addition to

the eight hundred dollars appropriated by chapter ten of the acts of the present year.

For the salary of the cashier in the office of the secretary of the Commonwealth, as provided for in chapter two hundred and sixty-two of the acts of the present year, a sum not exceeding eight hundred and seventy-five dollars, being at the rate of fifteen hundred dollars per year.

Cashier in office of secretary of the Commonwealth.

For salaries and expenses of the two additional associate justices of the superior court, provided for by chapter two hundred and seventy-one of the acts of the present year, a sum not exceeding seventy-two hundred dollars, being in addition to the seventy-one thousand five hundred dollars appropriated by chapter two of the acts of the present year.

Associate justices of the superior court.

For the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Newton and Waltham, and the towns of Brookline and Watertown, known as the Charles river valley system, for the year eighteen hundred and ninety-two, a sum not exceeding twenty-six thousand five hundred dollars, as authorized by chapter two hundred and eighty-one of the acts of the present year.

Charles river valley system of sewage disposal.

For the salary of the assistant state librarian and clerk of the state board of education, the sum of three hundred twenty-two dollars and fifty-eight cents, as authorized by chapter two hundred and eighty-seven of the acts of the present year, being in addition to the twenty-five hundred dollars appropriated by chapter eleven of the acts of the present year.

Assistant state librarian and clerk of the state board of education.

For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars.

Small items of expenditure, etc.

For the salary of the commissioner of state aid appointed by the governor and council, the sum of seven hundred dollars, as authorized by chapter two hundred and ninety-one of the acts of the present year, being in addition to the eighteen hundred dollars appropriated by chapter eleven of the acts of the present year.

Commissioner of state aid.

For the payment of expenses in connection with the abolition of grade crossings, as provided for in section three of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, a sum not exceeding

Abolition of grade crossings.

one hundred thousand dollars, the same to be in addition to any unexpended balance of the one hundred thousand dollars appropriated by chapter three hundred and ninety-three of the acts of the year eighteen hundred and ninety-one.

State normal schools.

For the support of state normal schools, a sum not exceeding six hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, being in addition to the ninety-one thousand eight hundred and eighty-one dollars appropriated by chapter nineteen of the acts of the present year.

Town of Nantucket.

For the town of Nantucket, the sum of two hundred fifty-two dollars and seventy cents, as authorized by chapter fifty-two of the resolves of the present year.

James K. Barbour.

For James K. Barbour, the sum of one hundred dollars, as authorized by chapter fifty-three of the resolves of the present year.

State normal school at Framingham.

For improvements at the state normal school at Framingham, a sum not exceeding twelve hundred dollars, as authorized by chapter fifty-four of the resolves of the present year.

Hospital for dipsomaniacs, etc.

For repairs, current expenses and the further equipment of the Massachusetts hospital for dipsomaniacs and inebriates, a sum not exceeding sixty-one thousand six hundred dollars, as authorized by chapter fifty-five of the resolves of the present year.

Ella Raymond.

For Ella Raymond, the sum of two hundred dollars, as authorized by chapter fifty-six of the resolves of the present year.

Normal art school building.

For finishing the exterior of the normal art school building, a sum not exceeding fifty-seven hundred dollars, as authorized by chapter fifty-seven of the resolves of the present year.

State normal school at Bridgewater.

For improvements at the state normal school at Bridgewater, and for preparing and printing a general catalogue of the school, a sum not exceeding forty-five hundred dollars, as authorized by chapter fifty-eight of the resolves of the present year.

Damages by fire at the state prison at Boston.

For repairing workshops damaged by fire at the state prison at Boston, a sum not exceeding five thousand dollars, as authorized by chapter fifty-nine of the resolves of the present year.

For connecting the Cutler estate in Framingham with the sewer from the reformatory prison for women, a sum not exceeding fifty dollars, as authorized by chapter sixty of the resolves of the present year.

Sewer at reformatory prison for women.

For preparing and publishing a revised edition of the course of studies for ungraded schools, a sum not exceeding three hundred dollars; for preparing and publishing a new edition of the school laws, a sum not exceeding five hundred dollars, and for the purchase of books upon the theory and practice of education, for the libraries of the normal schools, a sum not exceeding one thousand dollars, as authorized by chapter sixty-two of the resolves of the present year.

Course of studies for ungraded schools, school books, etc.

For the purpose of exhibiting the arts, industries, institutions, resources and general development of the Commonwealth at the world's Columbian exposition at Chicago, a sum not exceeding seventy-five thousand dollars, as authorized by chapter sixty-three of the resolves of the present year.

Columbian exposition at Chicago.

For furnishing the new armory in the city of Lawrence, a sum not exceeding eighteen hundred dollars, as authorized by chapter sixty-four of the resolves of the present year.

Armory in Lawrence.

For repairs and improvements at the state industrial school for girls at Lancaster, a sum not exceeding nine thousand five hundred twenty-six dollars and sixty-six cents, as authorized by chapter sixty-five of the resolves of the present year.

State industrial school for girls.

For George O. Bent of Framingham, the sum of six hundred and sixty dollars, as authorized by chapter sixty-six of the resolves of the present year.

George O. Bent.

For indexing the names of soldiers of the war of the rebellion, in the office of the adjutant general, a sum not exceeding seventeen hundred dollars, as authorized by chapter sixty-seven of the resolves of the present year.

Indexing names of soldiers.

For certain repairs at the state prison at Boston, a sum not exceeding nine thousand dollars, as authorized by chapter sixty-eight of the resolves of the present year.

Repairs at the State prison at Boston.

For the construction of fire escapes at the state primary school at Monson, a sum not exceeding two thousand dollars, as authorized by chapter sixty-nine of the resolves of the present year.

State primary school at Monson.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1892.

Chap.340 AN ACT PROVIDING FOR THE REMOVAL OF THE REMAINS OF THE DEAD FROM THE MELVILLE STREET CEMETERY IN PITTSFIELD.

Be it enacted, etc., as follows :

City may remove remains of the dead from old burial ground, etc.

SECTION 1. The city of Pittsfield is hereby authorized and empowered, under the direction and supervision of its mayor and board of health, to remove the remains of the dead and the monuments erected to their memory, from the old burial ground on Melville street in said city, to the present Roman Catholic cemetery in said city.

To fix a time for removal and publish notice thereof.

SECTION 2. The said city of Pittsfield shall fix a time for the removal of said remains and monuments and shall publish a notice thereof once each week for three successive weeks, in some newspaper published in said city of Pittsfield, the last publication thereof to be at least seven days preceding the time fixed for said removal.

Remains may be removed by relatives or friends.

SECTION 3. The city of Pittsfield shall, upon a request in writing by any relative or friend of the person or persons whose remains are to be removed, permit said relative or friend to remove at his own expense the remains of such person or persons to any other cemetery, or to any private lot in said Roman Catholic cemetery.

City authorized to make contracts.

SECTION 4. The city of Pittsfield is hereby authorized and empowered to make all necessary contracts for carrying out the purpose of this act.

SECTION 5. This act shall take effect upon its passage.
Approved June 2, 1892.

Chap.341 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO LAY OUT AND MAINTAIN PUBLIC PARKS.

Be it enacted, etc., as follows :

May take lands and lay out public parks.

SECTION 1. The city of Cambridge by its city council, at any time within three years after the passage of this act, may take and hold, by purchase or otherwise, any and all such real estate and lands within said city as it may deem advisable, and may lay out, maintain and improve the same as a public park or parks.

To file in the registry of deeds a description of land, etc., taken.

SECTION 2. The said city shall, within sixty days after the taking of any lands and real estate as aforesaid, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor.

SECTION 3. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of, or injury to, any of their land, real estate or property, for the purposes aforesaid. If any person sustaining damage as aforesaid does not agree with said city upon the amount of said damage, he may, within one year from such taking and not afterwards, apply by petition for an assessment of the damage, to the superior court in said county of Middlesex. Such petition may be filed in the clerk's office of said court, and the clerk shall thereupon issue a summons to the said city, returnable on the first Monday of the next month after the expiration of fourteen days from the filing of the petition, to appear and answer to the petition. The summons shall be served fourteen days at least before the day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, together with interest at the rate of four per centum per annum from the date of the actual entry and taking of possession by said city. And the award of the persons so appointed or a major part of them being returned into and accepted by the court shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury, as hereinafter provided.

Liability for damages.

SECTION 4. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the sitting at which such award was accepted, or the next sitting thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof with interest as aforesaid; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied with award may have trial by jury.

SECTION 5. In every case of a petition to the superior court for an assessment of damages as provided in this

City may make tender for damages.

act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court, or offer of judgment, and shall not be entitled to either costs or interest afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

Assessments for betterments.

SECTION 6. At any time within two years after any land is taken or purchased for a park or parks under this act, the board of aldermen of said city of Cambridge, if in its opinion any real estate in said city receives any benefit and advantage from such taking or purchasing, or from the locating and laying out of a park or parks under this act, beyond the general advantages to all real estate in said city, may adjudge and determine the value of such benefit and advantage to any such real estate, and may assess upon the same a proportional share of the cost of land so purchased or taken, and of the expense of laying out, grading and making such park or parks; but in no case shall the assessment exceed one half of the amount of such adjudged benefit and advantage. Said real estate subject to such assessment may include the remainder of the land of which a part is taken for said public park or parks, and real estate which does not abut upon the park, from the laying out of which the betterments accrue, or upon a street or way bounded upon such park.

Assessments to be a lien upon the real estate.

SECTION 7. Assessments made under the preceding section shall constitute a lien upon the real estate so assessed and shall be collected and enforced, with the same rights to owners to surrender their estates, and the same proceedings thereupon, and with the same rights of and proceedings upon appeal, as are provided by chapter fifty-one of the Public Statutes.

Cambridge Park Loan not to exceed \$200,000.

SECTION 8. For the purpose of defraying the cost of such real estate and lands as may be purchased, taken or held for the purposes aforesaid, and of constructing the park or parks authorized by this act, and paying all expenses incident thereto, the city council of Cambridge

shall have authority to issue, in excess of the limit allowed by law, scrip or bonds to be denominated on the face thereof, Cambridge Park Loan, to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding four and one half per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of the tenth and eleventh sections of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to this act.

SECTION 9. If the city of Cambridge shall accept the provisions of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two and acts in amendment thereof, then all lands and real estate which may be taken by virtue of this act shall be under the care and management of the board of park commissioners of said city authorized to be appointed by virtue of said act.

Land, etc., to be under care of the board of park commissioners.

SECTION 10. This act shall take effect upon its acceptance by the city council of Cambridge.

Subject to acceptance by the city council.

Approved June 2, 1892.

AN ACT TO ESTABLISH A BOARD OF METROPOLITAN PARK COMMISSIONERS AND TO DEFINE ITS POWERS AND DUTIES.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three persons, to be known as the Metropolitan Park Commissioners, who shall hold their office for one year from the first day of May in the year eighteen hundred and ninety-two. Said commissioners shall consider the advisability of laying out ample open spaces for the use of the public, in the towns and cities in the vicinity of Boston, and shall have authority to make maps and plans of such spaces and to collect such other information in relation thereto as it may deem expedient, and shall report to the next general court, on or before the first Wednesday of February, a comprehensive plan for laying out, acquiring and maintaining such open spaces.

Metropolitan Park Commissioners to be appointed.

To report to the next general court.

May employ
assistants, etc.
To serve with-
out compensa-
tion.

SECTION 2. Said commissioners may employ such assistants as they may deem necessary, and may expend such sums therefor and in the discharge of their duties, including the actual travelling expenses of said members, as the governor and council may determine. Said commissioners shall receive no compensation.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1892.

Chap.343 AN ACT TO INCORPORATE THE MASSACHUSETTS REAL ESTATE COMPANY OF LOWELL.

Be it enacted, etc., as follows:

Massachusetts
Real Estate
Company incor-
porated.

SECTION 1. John J. Donovan, John H. Coffey, Patrick O'Hearn, Thomas Chee, Constantine O'Donnell, Patrick J. Gilbride, Robert E. Crowley, W. J. Coughlin, Stephen J. Johnson, James J. Coffey, James O'Sullivan, Patrick Keyes, jr., John J. Hogan, John Nolan, John T. Seede, Humphrey O'Sullivan and Denis Murphy, their associates and successors, are hereby made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Massachusetts Real Estate Company, for the purpose of buying, selling, leasing and improving real estate in the city of Lowell, not exceeding in area ten acres, and in value one hundred thousand dollars, and of performing such other legal acts as may be necessary in accomplishing such objects; with all the powers and privileges and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

May buy and
sell real estate
in Lowell.
Not to exceed in
area ten acres,
etc.

Capital stock
and shares.

SECTION 2. The capital stock of said corporation shall be divided into shares of one hundred dollars each, and said corporation shall not transact any business until at least ten thousand dollars of the capital stock is fully paid in, and no share of stock shall be issued until the par value of the same shall be fully paid in lawful money.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1892.

Chap.344 AN ACT TO AUTHORIZE THE TOWNS OF SANDWICH, BOURNE AND MASHPEE TO UNITE FOR THE EMPLOYMENT OF A SUPERINTENDENT OF SCHOOLS.

Be it enacted, etc., as follows:

May unite for
purpose of the
employment of

SECTION 1. The towns of Sandwich, Bourne and Mashpee shall have the same power to unite for the pur-

pose of the employment of a superintendent of schools, and the same right to receive an allowance from the state treasury, under the provisions of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof, which they would have had if said towns had contained thirty schools, and shall be subject to the same duties and liabilities.

a superintendent of schools.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1892.

AN ACT TO INCORPORATE THE SOUTH BERKSHIRE MOUNTAIN CLUB.

Chap. 345

Be it enacted, etc., as follows:

SECTION 1. A. Chalkley Collins, Isaac C. Chesborough, Henry H. Kelsey, Theodore Giddings, Herbert F. Keith, Franklin L. Pope and Herbert C. Joyner, their associates and successors, are hereby made a corporation for the term of fifty years, by the name of the South Berkshire Mountain Club, to be located in the town of Mount Washington. Said corporation may purchase the farm in the northerly part of said town known as Sky Farm, and any other land in said town: *provided*, that at least two thirds of all land so purchased shall be set apart for public park purposes. Said corporation shall have power to sell, lease, mortgage and otherwise dispose of the land not so set apart, for the purpose of raising money for the improvement of the land reserved for park purposes, and may take, hold, assign and release mortgages from the purchasers thereof, to secure the payment of the purchase money; and shall further have all the powers, rights and privileges and be subject to all the duties, limitations and restrictions prescribed in chapters one hundred and five and one hundred and six of the Public Statutes, and in all general laws which now are or hereafter may be in force relating to such corporations.

South Berkshire Mountain Club incorporated.

To be located in town of Mount Washington.

Proviso.

SECTION 2. Said corporation, in addition to such real estate as it may acquire by purchase under the provisions of the preceding section, may receive by gift, bequest or devise, and hold, property real and personal to an amount not exceeding fifty thousand dollars: *provided*, that said property or the proceeds or income thereof shall be set apart and applied for public park purposes in said town of Mount Washington. Upon the expiration of the charter of said corporation, or upon its dissolution for

May receive by gift, etc., real and personal estate not exceeding \$50,000.

Town to hold and manage property, etc.

any cause, all its property shall vest in said town, and shall be held and managed by said town for the maintenance of public parks therein.

Provisions of
1888, 187, to
apply.

SECTION 3. The provisions of chapter one hundred and fifty-seven of the acts of the year eighteen hundred and eighty-five shall apply to said corporation.

Approved June 2, 1892.

Chap. 346 AN ACT RELATIVE TO SUPPLYING THE TOWN OF STOUGHTON WITH WATER.

Be it enacted, etc., as follows :

1886, 240, § 11,
amended.

Stoughton
Water Loan,
not to exceed
\$150,000.

Sinking fund.

SECTION 1. Section eleven of chapter two hundred and forty of the acts of the year eighteen hundred and eighty-six is hereby amended by inserting after the word "hundred", in the sixth line, the words: — and fifty, — and by striking out the word "six", in the eleventh line, and inserting instead thereof the word: — five, — so as to read as follows: — *Section 11.* The said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Stoughton Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding five per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1892.

AN ACT IN RELATION TO PENSIONING MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF BOSTON.

Chap. 347

Be it enacted, etc., as follows :

SECTION 1. The board of fire commissioners of the city of Boston, by the majority vote of the members and with the approval of the mayor, shall have power to retire from office in the fire department any member thereof who has become disabled while in the actual performance of duty, or any member who has performed faithful service in the department for a period of not less than fifteen consecutive years, and shall in such case place the member so retired upon the pension roll. Any member may be placed on the pension roll when it shall be certified to the board in writing, by the physician to the board of health, that such member is permanently incapacitated, either mentally or physically, from performing his duties as a member of the department. In case of total disability caused or induced by the actual performance of his duty the amount of annual pension shall be two thirds of the annual compensation allowed to men of the grade in which such member served. The pension of members of the permanent force who have served fifteen years shall be an amount not exceeding one half the annual salary or compensation of the office from which said members are retired. The pension of members of the call force who have served fifteen or more consecutive years shall be one half the annual salary or compensation of the office from which said members are retired, or such further sum as the board may determine.

Pensioning members of the fire department of the city of Boston.

SECTION 2. The said board of the said city may, by majority vote of the members thereof with the approval of the mayor, pay to former members of the fire department of said city now on the pension rolls of said city, pensions in accordance with the provisions of this act.

Payments to members now on the pension rolls.

SECTION 3. This act shall take effect when accepted by the city council of the city of Boston.

Subject to acceptance by the city council.

Approved June 3, 1892.

AN ACT RELATING TO NATURALIZATION IN THE INFERIOR COURTS.

Chap. 348

Be it enacted, etc., as follows :

SECTION 1. No police, district or municipal court shall exercise jurisdiction in the naturalization of

Naturalization in the inferior courts.

aliens unless it has a clerk, duly appointed by the governor.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1892.

Chap. 349 AN ACT TO AUTHORIZE THE LEXINGTON WATER COMPANY TO IMPROVE AND INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

Lexington
Water Company
may improve,
etc., its water
supply.

May take waters
of Vine Brook
and its tributary
springs.

To file in the
registry of
deeds, a
description of
lands, etc.,
taken.

SECTION 1. The Lexington Water Company may take and hold, by purchase or otherwise, for the purpose of improving and increasing its water supply, the waters of Vine brook and of the springs tributary thereto in the town of Lexington, in the land heretofore taken or purchased by said corporation, the title of said corporation whereto is hereby confirmed, and westerly of the westerly boundary thereof, and such land lying on the westerly side only of said westerly boundary, or of such boundary extended, as it may require for the protection and storage of said waters; also the waters of said Vine brook and the springs tributary thereto on about twenty-six acres of land lying easterly of the said land of said Lexington Water Company, bounded northerly by a line thirty rods southerly from the Lincoln road and parallel thereto, easterly by the easterly line of land of Moses Joy, junior, southerly by land of A. E. Scott, and westerly by land of said Scott and of said Lexington Water Company; and may convey the waters so taken to the present water supply or pumping machinery of said corporation for distribution through said town or any part thereof, and may erect on the land so taken or purchased, reservoirs, dams or other structures, and may make excavations and provide such other means and appliances as may be necessary for holding, storing and preserving said waters, and may construct and lay down conduits, pipes and other works under, through or over any lands to the extent necessary to fully carry out the purposes of this act.

SECTION 2. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property are situated a description thereof sufficiently accurate for identification, with a state-

ment of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 3. The said corporation shall pay all damages sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Payment for damages sustained.

Application not to be made for damages until water is actually taken.

SECTION 4. The town of Lexington shall have the right to purchase the corporate property and all rights and privileges acquired by said corporation under the authority of this act, in the manner provided in section eight of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and eighty-one: *provided*, that the property, rights and privileges acquired under either act shall not be purchased separately without the consent of said corporation; and *provided, further*, that the compensation to be allowed and paid for the franchise of said corporation shall not be increased by reason of the passage of this act.

Town of Lexington may purchase property and rights.

Proviso.

SECTION 5. If any person shall use any of said water taken under this act without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said corporation under the authority of and for the purpose of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three

Penalty for diverting or corrupting water.

hundred dollars or by imprisonment in jail not exceeding one year.

Work to be commenced within two years.

SECTION 6. This act shall take effect upon its passage, but shall become void unless work under said act is begun within two years from the date of its passage.

Approved June 8, 1892.

Chap. 350

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO TAKE LANDS FOR SEWERAGE PURPOSES IN THE TOWN OF WEST BRIDGEWATER.

Be it enacted, etc., as follows :

Brockton may take lands for sewerage purposes in the town of West Bridgewater.

SECTION 1. For the purpose of putting in operation its system of sewerage the city of Brockton shall have full power to carry its sewers or their connections under any street, highway or other way in the town of West Bridgewater, in such manner as not unnecessarily to obstruct the same, and may dig up such street, highway or other way, and may enter upon and dig up any private lands for the purpose of laying, maintaining and repairing any of said sewers or their connections; and for the purpose of erecting a pumping station may enter and take, by purchase or otherwise, such lands as may be necessary therefor, providing that said pumping station shall be located at least four thousand feet from the south line of the city of Brockton, and east of Main street; and do any other thing necessary or proper in executing the purposes of this act.

To file in the registry of deeds a description of the land.

SECTION 2. When any lands, water rights, rights of way, easements or other real estate are to be taken by said city, under or by virtue of this act, in any manner other than by purchase, said city shall file in the registry of deeds for the county and district in which said lands, water rights, or other real estate lie, and cause to be recorded, a description of the same as is required in a common conveyance of land, with a statement of the purpose for which the same is taken; and upon such filing the title to the lands, water rights, rights of way, easements or other real estate so described shall vest in said city.

City to pay damages sustained.

SECTION 3. Said city shall pay all damages sustained by any person or corporation in property by reason of such taking, and any person or corporation sustaining damage as aforesaid, who fails to agree with said city as to the amount of damage sustained, may have the damages

assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property.

SECTION 4. In every case of a petition for the assessment of damages or for a jury, the said city may offer in court, and consent in writing, that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum so offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant, if he recover damages, shall be allowed his costs only to the date of the offer.

Tender for damages may be made.

SECTION 5. In carrying out the provisions of this act the city of Brockton shall at all times manage and dispose of its sewage in such manner as not to corrupt or impair for domestic use or render injurious to health, either directly or indirectly, the water from the Taunton Great river by the city of Taunton for the supply of its inhabitants, or by the Commonwealth of Massachusetts for the supply of the state workhouse at Bridgewater. If at any time a nuisance is created, or the water supply as aforesaid is corrupted or impaired for domestic use or rendered injurious to health, the state board of health shall, upon the application of the selectmen of said town, alleging the existence of a nuisance, the water commissioners of the city of Taunton, or the trustees of the state almshouse and state workhouse, alleging the pollution of such water supply as aforesaid, appoint a time and place for a hearing on such application and give due notice thereof to all parties interested therein. After such hearing the state board may, if in its judgment there is occasion therefor, order the city of Brockton to abate such nuisance, desist from such pollution, or to cleanse or purify the polluting substances before they are discharged into any waters emptying into Taunton Great river, in such a manner and to such a degree that they shall no longer be deleterious to the water supply as aforesaid. Any court having jurisdiction in equity may, on the application of said board, by any process or decree, enforce the orders of the said board in the premises.

City to manage sewage so as not to impair water for domestic use, etc.

Certain words
defined.

SECTION 6. In this act the term "sewage" refers to domestic and manufacturing filth and refuse, and "sewer" to the means of disposal thereof.

Subject to ac-
ceptance by a
two thirds vote.

SECTION 7. This act shall take effect upon its acceptance by a vote of two thirds of all the members of each branch of the city council of said city.

Approved June 8, 1892.

Chap.351

AN ACT RELATING TO THE REGISTRATION OF VOTERS.

Be it enacted, etc., as follows:

Certain words
defined.

SECTION 1. Unless otherwise clearly apparent from the context of this act, the following words shall have the meanings respectively assigned to them:—First. The words "state election" shall mean any election held for the choice of a national, state, district or county officer, whether for a full term or for the filling of a vacancy. Second. The words "city election" shall mean any election held in a city for the choice of mayor, aldermen or other officers of the city, whether for a full term or for the filling of a vacancy, or for the transaction of city affairs. Third. The words "town election" shall mean any meeting held in a town for the election of any selectman or other officer of a town, whether for a full term or for the filling of a vacancy, or for the transaction of town affairs. Fourth. The word "registrars" shall mean the board of registrars of voters of a city or town. Fifth. The word "assessors" shall mean the assessors of taxes of a city or town. * Sixth. When the words "registrars" and "assessors", or any two of them, are used in the same section, they shall mean of the same town or city.

Qualifications of
a male voter.

SECTION 2. Every male citizen who had the right to vote on the first day of May of the year eighteen hundred and fifty-seven, and every other male citizen, not a pauper or person under guardianship, who, not being prevented by physical disability from so doing, is able to read the constitution in the English language and write his name, and who is twenty-one years of age or upward, and who shall have resided within the state one year and within the city or town in which he may claim a right to vote six months next preceding any state, city or town election, shall have the right to vote in every such election in such city or town: *provided, however*, that no person whose name is not entered, as hereinafter pro-

Proviso.

vided, in the annual register of voters shall be allowed to vote.

SECTION 3. Every female citizen, not a pauper or person under guardianship, who, not being prevented by physical disability from so doing, is able to read the constitution in the English language and write her name, and who is twenty-one years of age or upward, and who shall have resided within the state one year and within the city or town in which she may claim a right to vote six months next preceding any election of a school committee, shall have the right to vote in every such election in such city or town for members of a school committee: *provided, however*, that no woman whose name is not entered, as hereinafter provided, in the annual register of voters shall be allowed to vote.

Qualifications
of a female
voter, etc.

Proviso.

SECTION 4. Every person qualified to vote, as hereinbefore provided, shall vote only in the city or town, and voting precinct, if any, in which was situated his residence on the first day of May or of his becoming an inhabitant after the first day of May; but if any male person qualified as aforesaid shall remove his residence to another city or town within the Commonwealth he may continue to vote in the place of his residence, as aforesaid, for national or state officers until after the expiration of six months from the date of such removal.

Vote to vote in
place of resi-
dence, etc.

SECTION 5. Indians within this Commonwealth are made and declared to be citizens of this Commonwealth, and entitled to all the rights, privileges and immunities, and subject to all the duties and liabilities to which all other citizens of this Commonwealth are entitled and subject.

Indians declared
to be citizens,
etc.

SECTION 6. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from a city or town.

Soldier and
sailor not dis-
qualified on ac-
count of having
received aid, etc.

SECTION 7. The assessors, by one or more of their number, or by one or more assistant assessors, shall in the months of May and June in each year visit every building in their respective cities and towns and make true lists containing, as near as they can ascertain from any owner or occupant of a building, the name, age, occupation and residence, on the first day of May in the current and preceding years, of every male person

Assessors to
make lists of
persons liable to
be assessed a
poll tax, etc.

twenty years of age and upward residing therein and liable to be assessed for a poll tax; and shall receive the request of every woman twenty-one years of age and upward residing therein on the first day of May in the current year who shall, in a writing signed by her, request that her name be transmitted to the registrars for purposes of registration; and shall make diligent inquiries concerning all matters required of them in this section. They shall make correction of any error in the name or place of residence of a person assessed, on his personal application therefor and on proof of the same, and when informed of any such error shall make investigation thereof and correct the same on their books. All applications, certificates or affidavits taken by the assessors shall be preserved for two years.

To furnish registrars lists, requests, information, etc.

SECTION 8. The assessors shall promptly, and before the fifteenth day of July, transmit to the registrars the lists so made or certified copies thereof, and shall promptly transmit to the registrars and the collector notice of every change in the name or residence of persons assessed a poll tax by them; they shall also promptly transmit to the registrars the requests of all women which shall have been delivered to them, as aforesaid, and every assessor, assistant assessor and collector shall furnish all information in his possession necessary to registrars in the discharge of their duties.

In cities and certain towns to furnish street lists of assessed polls.

SECTION 9. The assessors of cities shall, on or before the fifteenth day of July in each year, and the assessors of towns having over five thousand inhabitants, according to the last state or national census, shall, on or before the first day of August in each year, prepare street lists containing the name of every person assessed by them for a poll tax for the coming year. Such lists shall be arranged by voting precincts in cities and in towns divided into voting precincts. They shall print said lists in pamphlet form, deliver to the registrars as many of said copies as they may require and hold the remainder for public distribution. In towns containing less than five thousand inhabitants, according to the last state or national census, the assessors shall, on or before the first day of August in each year, cause printed or written lists of all persons assessed therein for poll taxes to be prepared and conspicuously posted in two or more public places in such town.

In certain towns to post lists of assessed polls.

SECTION 10. The assessors shall, in said street lists, arrange all buildings used as residences in the order in which they stand on the street or other place, giving their number or other definite description, so that each building can be readily identified, and shall place opposite or under each number, as near as can be ascertained, the name, age and occupation of every person residing in the building on the first day of May of the current year and assessed for a poll tax, with his residence on the first day of May of the preceding year.

Contents of street lists.

SECTION 11. The registrars shall keep a general register of voters containing the names and records of voters in their city or town now entered in the register of voters thereof, and shall, as hereinafter provided, enter therein the names of qualified voters in their city or town applying to them for registration, giving the full Christian name, or that name by which the voter is generally known, and the surname, the full name or initial or initials of any other name or names which he or she may have, the age, place of birth, residence on the first day of May of the year of registration, or of his or her becoming an inhabitant after said first day of May, date of registration, residence at said date, occupation, place of business or employment, and such other particulars as may be necessary to fully identify the voter. The secretary of the Commonwealth shall furnish at cost price, to the registrars applying therefor, suitable blank books, with uniform headings in the following form, to be known as the general register of voters: —

General register of voters.

Blank books to be furnished by secretary, etc.

| When Registered. | Name. | Signature of Applicant. | Residence May 1. | Age. | Place of Birth. | Occupation. | Place of Occupation. | Minutes of Naturalization. | Residence at Date of Registration. | Remarks. |
|------------------|-------|-------------------------|------------------|------|-----------------|-------------|----------------------|----------------------------|------------------------------------|----------|
| | | | | | | | | | | |

Form.

SECTION 12. The registrars shall each year, after the first day of May, prepare an annual register of voters of their city or town, with the names of the voters therein arranged in alphabetical order, and opposite the name the

Annual register of voters, etc.

residence on the first day of May of the current year, or of his or her becoming an inhabitant after said first day of May, and shall enter in said annual register every name on the lists of persons assessed a poll tax for the current year, as transmitted to them by the assessors, entering as his residence on the first day of May the place at which he was assessed such poll tax, and shall also enter in the annual register the name and residence as above of every woman whose request has been delivered to the assessors, as provided in section seven, and by them transmitted to the registrars, provided they can identify every such name as belonging to a man or woman whose name was borne on the voting list of the last preceding election; they shall make all necessary inquiries and investigations to complete such identifications, but they shall not enter in such annual register any name objected to by one of the registrars until after a summons and examination, as provided in sections twenty-seven, twenty-eight and twenty-nine.

Personal applications for registration to be made if name is not on annual register.

SECTION 13. Every person whose name has not been entered in the annual register, in accordance with the provisions of the preceding section, must, if he or she desires to vote, appear in person at a place provided for registration and prove that he or she possesses all the qualifications of a voter.

Places for registration, notices of sessions, etc.

SECTION 14. The registrars shall be provided by the city or town with suitable places for holding sessions to determine the qualifications of persons to be entered on the register, shall prepare and post or publish proper notices, stating in the notices the places and hours for holding day, evening and last sessions, and that after ten o'clock in the evening of the last day of registration they will not add any name to the registers unless it be the name of a voter previously examined as to his qualifications. The registrars shall act in open session and not secretly, shall keep all their records open at suitable times to public inspection, and shall preserve all complaints, certificates and other documents relating to registration for two years after the date thereof.

Sessions and records open to public inspection, etc.

Sessions for registration in cities, etc.

SECTION 15. The registrars in every city, except Boston, shall hold such day and such evening sessions as the city may, by ordinance, prescribe, or the registrars may deem necessary, and shall hold a session from twelve o'clock noon until ten o'clock in the evening of the second

Saturday preceding the annual state and the annual city election, which shall be the last day of registration.

SECTION 16. The registrars in Boston shall hold such day sessions as the city may, by ordinance, prescribe, or the registrars may deem necessary, and shall hold not less than ten evening sessions, each of at least three hours' duration, in or near each ward, between the second day of September and the annual state election, and the same number of such evening sessions between the annual state and the annual city elections, and shall hold a session at the central office from nine o'clock in the morning until ten o'clock in the evening of the fourteenth day preceding the annual state and the annual city election, which shall be the last day of registration.

Sessions for registration in Boston, etc.

SECTION 17. The registrars in every town divided into voting precincts shall hold such day sessions as the town may prescribe, or the registrars may deem necessary, and shall, not more than twenty days before the annual state and annual town election, hold at least one session for the registration of voters at some suitable and convenient place within the limits of each voting precinct, and shall hold a session from twelve o'clock noon until ten o'clock in the evening of the Wednesday next preceding the annual state and the annual town election, which shall be the last day of registration.

Sessions for registration in towns divided into voting precincts, etc.

SECTION 18. The registrars in every town not divided into voting precincts shall hold such day sessions as the town may prescribe, or the registrars may deem necessary, and shall, not more than twenty days before the annual state and annual town election, hold sessions in two or more suitable and convenient places in such town, and shall hold a session from twelve o'clock noon until ten o'clock in the evening of the Wednesday next preceding the annual state and the annual town election, which shall be the last day of registration.

Sessions for registration in towns not divided into voting precincts, etc.

SECTION 19. The registrars in every town not divided into voting precincts, in which there are two or more villages, upon petition of ten or more voters in or near a village distant at least two miles from any place of registration, stating that there are in such village at least ten citizens who desire and are eligible to be registered, filed with the town clerk not less than eighteen days before the annual state or before the annual town election, shall hold a session, before the last day of registration in such

Sessions for registration in certain villages, upon petition, etc.

town, at some suitable and convenient place in such village.

Any registrar or assistant registrar may examine applicants for registration, etc.

SECTION 20. Any registrar and any assistant registrar may, in the places of registration during office hours, receive applications of persons presenting themselves for registration, may administer oaths and examine under oath such persons and other persons presenting themselves as witnesses; and shall have full authority to maintain regularity and order in proceedings before him, and at and around the place where the sessions are held, and to keep the access thereto open and unobstructed.

Certain papers to be received as prima facie evidence of residence, etc.

SECTION 21. Every registrar and assistant registrar, in making an examination of an applicant, shall, if the applicant presents a bill or notice from the collector, or a certificate from the assessors, showing that he has been assessed for a poll tax as a resident of the city or town on the first day of May of the current year, receive the same as prima facie evidence that the applicant has resided in the city or town the time required by law of a voter.

Examination of applicant whose qualifications have not been determined within four years, etc.

SECTION 22. Every registrar and assistant registrar, in making examination of an applicant, shall, if the applicant's qualifications have not been determined by the registrars within the four years next preceding his application, examine him under oath in regard thereto, shall require him, unless he is prevented by physical disability from so doing, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, to read at least three lines, other than the title, from an official edition of the constitution, in such manner as to show that he is neither prompted nor reciting from memory, shall require him to write his name in the register, and shall announce the name of the applicant in a clear, audible and distinct tone of voice before entering his name on the general register.

Examination of naturalized citizen applying for registration, etc.

SECTION 23. Every registrar and assistant registrar, in making an examination of an applicant, shall, if the applicant is a naturalized citizen, require him to produce for inspection his papers of naturalization and to make oath that he is the identical person named therein; shall, if satisfied that he has been legally naturalized, make a record or memorandum upon said papers of the date of such inspection and enter upon the general register the name and location of the court by which said papers were issued, with the date thereof; he need not require

the production of such papers after they have been once examined, passed upon and the above minutes thereof entered in the general register.

SECTION 24. Every registrar and assistant registrar, in making an examination of an applicant, shall, if satisfied, from the evidence there presented to him, that the applicant possesses all the other qualifications of a voter and will on the day of the next election be twenty-one years of age or upward, inform him or her thereof and report thereon to the registrars, and if not so satisfied shall notify the applicant thereof, who may thereupon apply to the registrars for reexamination.

Examination of minor applying for registration, etc.

SECTION 25. The registrars shall place upon the general register the name of every person reported to them therefor by any registrar or assistant registrar, after he has examined such person, unless they notify such person of their intention not to do so and give him a reasonable opportunity to be heard thereon; they shall not place any name upon the registers after ten o'clock in the evening of the last day of registration unless it be the name of a voter who has been previously examined as to his qualifications, and in such case the vote thereon shall be attested by the clerk of the registrars.

Placing of names upon general register, etc.

SECTION 26. The registrars shall revise and correct said registers from time to time in accordance with the facts presented to them; but they shall not change the place of residence of a voter nor erase the name of any voter until they have notified him or her of their intention in the matter, and given him or her an opportunity to be heard thereon, except that they shall erase the name of every person returned to them by the clerk or registrars of deaths of the city or town as having deceased. The registrars shall promptly transmit to the assessors notice of every error which they shall discover in the name or residence of a person assessed, and they shall further transmit to the assessors the name and residence of every male person who shall prove to the registrars, for the purpose of registration, that he was a resident of the city or town on the first day of May preceding, but whose name does not appear on the list transmitted to the registrars by the assessors. The assessors shall forthwith assess such person for his poll and estate, but such assessment shall be subject to the provisions of section seventy-three of chapter eleven of the Public Statutes. The

Revision and correction of registers.

Notice to assessors.

Assessment, etc., of poll tax.

taxes so assessed shall be entered in the tax list of the collector and he shall collect and pay over the same in the manner specified in his warrant.

Complaint, etc.,
in case of
illegal or erro-
neous registra-
tion.

SECTION 27. The registrars, on a complaint in writing made under oath by a registered voter, in a city at least seven days and in a town at least four days before any election, stating that the voter has reason to believe and does believe that a certain person named in the complaint is illegally or not correctly registered, and the matters in which the registration is illegal or incorrect, shall examine into said complaint, and, if satisfied that there was sufficient ground for making the same, shall summon such person to appear before them before the next election, at a time and place therein named, and answer to the matters set forth in said complaint, reciting the substance thereof in the summons and printing a copy of section twenty-nine of this act on the face thereof.

Service of
summons.

SECTION 28. Any officer qualified to serve civil or criminal process shall serve said summons, by delivering a copy thereof to the person named therein or by leaving such copy at the last and usual place of abode of such person known to the officer, not more than fourteen days nor less than twenty-four hours before the return day, and such officer shall return said summons to the registrars before said return day, with his doings thereon.

Correction of
error or erasure
of name.

SECTION 29. The registrars shall, on the appearance of the person complained of, examine him or her under oath and receive other evidence in regard to the matters set forth in the complaint, and if satisfied that the person is a qualified voter in the city or town shall enter in the register the facts required for registration, in accordance with the evidence presented to them, and if satisfied that the person is not a qualified voter in the city or town, or if the person does not appear without sufficient cause being shown therefor, when the summons shows a service thereof, they shall erase the name from the general or annual register.

Voting lists,
preparation,
contents, etc.

SECTION 30. The registrars shall, from the names entered in the annual register, prepare voting lists to be used at the several elections, and shall place alphabetically thereon the name of every person so entered and no other name, and opposite the name the residence on the first day of May, or of his or her becoming an inhabitant after the first day of May; and the names of women may

be placed upon a separate list. If the city or town is divided into voting precincts, they shall prepare the voting lists by precincts and place on the lists for each precinct the names of all persons having therein a residence as hereinbefore specified. No registrar or assistant registrar shall be answerable for any omission of a name or residence from the voting lists, or for any error in the same, unless such name and residence are correctly entered in the annual register.

SECTION 31. The registrars shall place together, under the proper heading at the end of the voting lists, the names of all voters who by changes in city or town boundaries are authorized by law to vote for members of congress, councillors, senators or representatives in the general court in a city or town other than the one in which they reside.

Lists of voters authorized to vote in adjoining towns, etc.

SECTION 32. The registrars shall at least twenty days before the annual city or town election, and in Boston at least twenty-four days and in all other cities and towns at least thirty days before the annual state election, post the names entered in said annual register in their central office and in one or more other public places in the city or town, or, in every city or town divided into voting precincts, in one or more other public places in each precinct.

Posting of lists of names entered in annual register.

SECTION 33. The registrars shall within forty-eight hours after adding any new name to the annual register, write or print every name so added, upon the lists posted as aforesaid in their central office. In case the city or town shall authorize the registrars to publish such additional names, the registrars may, in lieu of the posting thereof, publish such additions in some one newspaper published in the city or town, if one is published therein, if not, in some one newspaper published in the county.

Posting of additional names.

SECTION 34. The registrars shall, on the day of election, give to any registered voter whose name has been omitted from the voting lists or in whose name or residence as placed on the voting lists a clerical error has been made, a certificate, signed by a majority of the registrars, giving the correct name and residence of such person, and directed to the officer presiding over the election; such officer shall, on receipt of such certificate, allow the person therein named to vote, check the name on the certificate and securely attach the certificate to the voting list.

Certificate of right to vote in case of omission or error, etc.

Number of assessed polls, registered voters, etc., to be certified to the secretary.

SECTION 35. The registrars in cities and in towns divided into voting precincts, shall forthwith, after the last day of registration, certify to the secretary of the Commonwealth the number of assessed polls and the number of registered voters in each precinct, and in towns not so divided shall certify the number of such polls and the number of such voters in the town, and the registrars in every city or town where there are voters authorized to vote for certain officers in another city or town, shall certify to said secretary the number of such voters in each precinct or town, and the officers for whom they are authorized to vote in such other city or town.

Transmission of voting lists to election officers.

SECTION 36. The registrars shall seasonably transmit to the officers at the places designated for voting the voting lists prepared as aforesaid by them.

Notices to be posted near voting lists.

SECTION 37. All notices of registrars, assessors, city or town clerks, or any other officer relating to elections, shall be posted at or as near as may be to the place in which the voting lists are posted.

Supervisors of registration, appointment, powers and duties.

SECTION 38. The governor, by and with the advice and consent of the council, on petition of not less than ten qualified voters in a city or town praying for the appointment of supervisors of registration for one or more places of registration named in the petition, shall appoint two supervisors for each place so named, one from each of the two leading political parties, to serve for the term of one year, who shall attend all sessions held at the place for which they are appointed and attach to any books or papers there used for purposes of registration, such statement touching the truth and fairness thereof as they or either of them may deem proper, with their signatures or other marks for purpose of identification.

Names of certain persons, deceased, to be sent to registrars.

SECTION 39. The clerk or registrar of deaths of each city or town shall, on the first day of every month and also two days before every election, send to the registrars a list of the names of all persons over twenty-one years of age deceased within the preceding month or since the date of the preceding list, with the ward, street and number where such person resided at the date of death.

Police officers at meeting of registrars.

SECTION 40. The board or officer in charge of the police force of any city or town shall, when requested so to do by the registrars, detail a sufficient number of police officers to attend any meeting held by any registrar or assistant registrar and preserve order and enforce the orders of said registrar or assistant registrar.

SECTION 41. Any assessor or assistant assessor who shall knowingly enter or cause or allow to be entered on any list of assessed polls the name of any person as a resident of a building, who is not a resident thereof, or who shall refuse or wilfully neglect to receive and transmit to the registrars any request to be registered, signed by a woman and offered to him at any building at which he is collecting names for assessment, shall for each offence be punished by a fine not exceeding three hundred dollars or by imprisonment in the house of correction not exceeding six months.

Penalty, on assessors or assistant assessors for refusal, wilful neglect, etc.

SECTION 42. Any registrar who shall refuse or wilfully neglect to require any applicant for registration to read at least three lines, other than the title, from some official edition of the constitution, in such manner as to show that he is neither prompted nor reciting from memory, or to require such applicant to write his name in the register, unless he is prevented by physical disability from so doing, or to announce the name of the applicant in a clear, audible and distinct tone of voice before entering his name upon the register, or who knowingly shall prevent or seek to prevent the registration of any legal voter, or who knowingly shall register the name of any person not qualified to vote, or who shall be guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall for each offence be punished by a fine not exceeding three hundred dollars or by imprisonment in the house of correction not exceeding six months.

on registrars.

SECTION 43. Any city or town officer who shall wilfully neglect or refuse to perform any duty required of him by law in matters relating to the registration of voters, shall for each offence be punished by a fine not exceeding three hundred dollars or by imprisonment in the house of correction not exceeding six months.

on city or town officer.

SECTION 44. Any person who knowingly or wilfully shall make a false affidavit or take a false oath or sign a false certificate regarding the qualifications of any person for assessment or registration, or shall injure or deface any list of voters or any notice relating to the registration of voters posted in any city or town, or shall prevent or interfere with, or aid or abet any person in preventing or interfering with any supervisor of registration in the discharge of his duty, shall for each offence be punished by a fine not exceeding three hundred dollars or by imprison-

for false affidavit, oath or certificate, injuring voting list or notice, interfering with supervisor, etc.

ment in the jail or house of correction not exceeding one year.

Penalty,
for registering
when not qual-
ified, for false
representation
or false answer,
for aiding or
abetting, etc.

SECTION 45. Any person who shall cause his name to be registered, knowing that he is not a qualified voter in the place where so registered, or shall falsely represent, or attempt to represent himself as another person before any registrar or assistant registrar, or shall give a false answer to any registrar or assistant registrar concerning any matter relating to the registration of a voter, or the right of any person to vote, or shall aid or abet any other person in doing either of the acts above-mentioned, shall for each offence be punished by a fine not exceeding three hundred dollars and by imprisonment in the jail or house of correction not exceeding one year.

for refusal or
neglect to give
true name or
full and true
information to
assessors.

SECTION 46. Any inmate of a building liable to be assessed for a poll tax, who shall refuse or neglect to give his true name when inquired thereof by any assessor or assistant assessor, and any owner or occupant of a building who shall refuse or neglect to give the full and true information within his knowledge relating to all persons residing in such building, when inquired thereof by any assessor or assistant assessor, shall for each offence be punished by a fine not exceeding one hundred dollars or by imprisonment in the house of correction not exceeding three months; and any person who shall knowingly give to an assessor or assistant assessor, for the purpose of the assessment of a poll tax, the name of any person as a resident of a building who is not a resident therein, shall be punished for each offence by fine not exceeding three hundred dollars or by imprisonment in the jail or house of correction not exceeding one year.

for giving
name of non-
resident to
assessors.

for refusal,
disorderly con-
duct, etc., at
registrations.

SECTION 47. Any person who shall refuse to obey the lawful orders or directions of any registrar or assistant registrar, or shall interrupt or disturb the proceedings at any registration, shall be arrested, detained in custody and taken before the court, and shall for each offence be punished by a fine not exceeding fifty dollars.

Repeal.

SECTION 48. Sections fifty-seven and fifty-eight of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four, section one of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and eighty-nine, sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty-

three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five and two hundred and eight of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety, chapters two hundred and forty-two, two hundred and seventy-seven, two hundred and eighty-six and two hundred and ninety of the acts of the year eighteen hundred and ninety-one, and all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall apply to all cities or towns, anything in any special act to the contrary notwithstanding.

SECTION 49. This act shall take effect upon its passage.

Approved June 8, 1892.

AN ACT IN RELATION TO THE EMPLOYMENT OF CHILDREN.

Chap. 352

Be it enacted, etc., as follows:

Section two of chapter three hundred and forty-eight of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the word "twenty", in the seventeenth line of said section, and inserting in place thereof the word: — thirty, — and by inserting after the word "law", in said seventeenth line, the words: — *provided*, the public schools are in session that number of weeks, which time may be divided, so far as the arrangements of school terms will allow, into three terms of ten consecutive weeks each, — so as to read as follows: —

Section 2. No child under fourteen years of age shall be employed in any manner before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening. No such child shall be employed in any factory, workshop or mercantile establishment, except during the vacation of the public schools in the city or town where he resides, unless the person or corporation employing him procures and keeps on file a certificate and employment ticket for such child as prescribed by section four of this act, and no such child shall be employed in any indoor work, performed for wages or other compensation, to

1888, 348, § 2,
amended.

Child under
fourteen years
not to be em-
ployed before
six A.M. or after
seven P.M.; not
to be employed
in a factory,
except in vaca-
tion, without
certificate, etc.

Duty of chief
of district
police.

whomsoever payable, during the hours when the public schools of such city or town are in session, unless as aforesaid, or shall be employed in any manner during such hours unless during the year next preceding such employment he has attended school for at least thirty weeks as required by law : *provided*, the public schools are in session that number of weeks, which time may be divided, so far as the arrangements of school terms will allow, into three terms of ten consecutive weeks each ; and such employment shall not continue in any case beyond the time when such certificate expires. The chief of the district police, with the approval of the governor, shall have authority to designate any kind or kinds of employment in factories, workshops or mercantile establishments as injurious to the health of children under fourteen years of age employed therein, and after one week's written notice from the said chief to the employer or his superintendent, overseer or other agent of such designation no such child shall be employed in any such kind or kinds of employment in any factory, workshop or mercantile establishment.

Approved June 8, 1892.

Chap. 353 AN ACT RELATING TO PENSIONING MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows :

Police officers,
etc., of Boston
may be retired
and pensioned.

SECTION 1. The board of police of the city of Boston may at his own request retire from active service and place upon a pension roll any member of the police department who has performed faithful service in said department for a period not less than twenty years, if in the judgment of the board said officer is incapacitated for useful service on said force, and said board shall retire from such service and place upon a pension roll any member of said force who has arrived at the age of sixty-five years, or any member who shall be certified to said board in writing, by the physician to the board of health of said city, as being permanently incapacitated, either mentally or physically, by injuries sustained in the actual performance of duty, from further performing duty as such member : *provided, however*, that no officer shall be retired under the provisions of this act unless such action is approved in writing by the mayor of the city of Boston ; and *provided*, that soldiers and sailors who served during

Proviso.

the war of the rebellion and who have received an honorable discharge shall not be retired at the age of sixty-five years, except at their own request.

SECTION 2. The amount of the annual pension allowed to any person retired under the provisions of this act shall be one half of the amount of compensation received by him at the time of such retirement, the same to be paid by the city of Boston.

Amount of pension.

SECTION 3. The provisions of this act are in addition to and not in repeal of any act now in force relative to pensioning members of such force.

Not to repeal any act now in force.

SECTION 4. The board of police are hereby authorized in case of emergency to call upon any person so pensioned, for temporary service in the department for which he is fitted, and during such service he shall be entitled to full pay.

Pensioners may be called upon for active service.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Boston.

Subject to acceptance by the city council.

Approved June 8, 1892.

AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF ESSEX.

Chap. 354

Be it enacted, etc., as follows:

SECTION 1. The salaries of the county commissioners for the county of Essex shall be forty-five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-two.

Salaries established.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the second day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

AN ACT TO INCORPORATE THE CITY OF EVERETT.

Chap. 355

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Everett, in case of the acceptance of this act by the voters of said town as hereinafter provided, shall continue to be a body politic and corporate under the name of the City of Everett, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon the said town as a municipal corporation.

City of Everett incorporated.

Government
vested in the
mayor and city
council, etc.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the city council, except however that the general management and control of the public schools of the city and of the buildings and property pertaining to such schools shall be vested in a school committee.

Division into
wards.

SECTION 3. The territory of the city shall first be divided into six wards, in the manner hereinafter provided. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the city council passed, with the assent of the mayor, at or prior to the making of such division; but the number of wards shall never be less than six.

Warrant for
calling meetings
of qualified vot-
ers.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections, and for other municipal or legal purposes, shall be called by warrants issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner and at such time as the city council may by ordinance direct.

Municipal elec-
tion and muni-
cipal year.

SECTION 5. The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at twelve o'clock, noon, on the first Monday of January, and continue until twelve o'clock, noon, on the first Monday of the following January.

Election of
mayor, city
council and
school commit-
tee.

SECTION 6. At the municipal election the qualified voters shall, in the several wards, give in their votes by ballot for mayor and for members of the city council and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Filling of vacan-
cies.

SECTION 7. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service

of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than four months previous to the expiration of his term of office, the board of aldermen shall forthwith cause a new election to be held as aforesaid to fill the vacancy. In case a vacancy in the office of mayor or of a member of the city council shall occur within the four months previous to the expiration of his term of office, the city council may, in its discretion, order a new election to be held as aforesaid to fill the vacancy.

SECTION 8. When no convenient wardroom for holding the meetings of the qualified voters of a ward can be had within the territorial limits of such ward, the board of aldermen may, in the warrant for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

Wardroom may be within limits of adjacent ward, etc.

SECTION 9. General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the Commonwealth, and such meetings may and upon the request in writing of fifty qualified voters setting forth the purposes thereof shall be called.

General meetings of qualified voters.

SECTION 10. The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The board of aldermen shall be composed of six members who shall be elected by and from the qualified voters of the city. At the first municipal election three aldermen shall be elected who shall hold office for the municipal year next succeeding their election, and three aldermen shall be elected who shall hold office for the two municipal years next succeeding their election; and at every municipal election thereafter three aldermen shall be elected who shall hold office for the two municipal years next succeed-

City council, board of aldermen, common council, members, election, terms, etc.

ing their election. In the election in the manner aforesaid at the first municipal election, of three aldermen for two years, and also in the election of three aldermen for one year, and likewise in subsequent municipal elections in the election of three aldermen for two years, no voter shall vote for more than two of the candidates for the three positions respectively. If a voter marks more than two names for the three positions to be so filled his ballot shall not be counted for any of such positions. If in any year of a new division of the city into wards the number of the wards shall be changed, the terms of office of all the aldermen shall expire at the end of the municipal year in which the division is made, and at the municipal election occurring in such year aldermen, as many in number as there are new wards, shall be elected. The board of aldermen so elected shall directly after its organization so assign by lot the terms of the respective members that the terms of one half of the members of the board, as near as may be, shall expire each year thereafter. In every municipal election so held after such new division into wards, except in voting to fill vacancies, each voter may vote for a number of aldermen one less than the number to be elected, and shall vote for no more; and any ballot which is marked for a greater number of names than as above provided shall not be counted in the vote for aldermen. Three members of the common council shall be elected annually by and from the qualified voters of each ward, and the councilmen so elected shall hold office for the municipal year next succeeding their election.

Administration
of oath of office
to mayor and
members of city
council.

SECTION 11. The mayor elect and the members elect of the city council shall, on the first Monday in the January succeeding their election, at twelve o'clock, noon, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk, or by a justice of the peace. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after the first Monday in January the oath of office may be administered in the presence of either

branch of the city council to a member of such branch who was absent on the first Monday in January or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

Certificate of oaths to be entered upon journal in each branch.

SECTION 12. Directly after the oaths of office have been administered each branch of the city council shall meet and organize by the election by ballot of a president, and no other business shall be in order until a president has been chosen. The eldest senior member present shall preside until a president has been chosen. The two branches shall by concurrent vote elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of aldermen may elect a temporary clerk, who shall act as clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the board of aldermen, by the president of the board or by a justice of the peace. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties in the presence of the council by the president or by a justice of the peace. Each clerk shall attend the sessions of the branch for which he is elected and shall keep a record of its proceedings and shall perform such further service as such branch may require. The president of the board of aldermen may be removed from office by the affirmative votes of two thirds of all the members of said board. The city clerk may be removed by the affirmative votes of two thirds of all the members of each branch of the city council. The president and clerk of the common council may each be removed by the affirmative votes of two thirds of all the members of the common council. In case of the temporary absence or disability of the city clerk the mayor may, with the consent of the board of aldermen, appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by concurrent vote of the two branches. The two branches may likewise by ordinance

City council, organization, presiding officers, city clerk, clerk of common council, city messenger, etc.

provide for the election by concurrent vote of a city messenger.

City council
to be judge of
election of
members, etc.

SECTION 13. Each branch of the city council shall be the judge of the election and qualifications of its own members, shall determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

Special meet-
ings of city
council may be
called by mayor,
etc.

SECTION 14. The mayor may at any time call a special meeting of the city council or of either branch thereof by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no other business shall be transacted at such special meeting.

City council,
quorum, etc.,
transaction of
business, etc.

SECTION 15. In each branch of the city council a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The two branches shall sit separately for the transaction of all business, and subsequent to the day of organization they shall not both act on the same day upon a matter involving the appropriation or expenditure of money.

Salary of
mayor.

SECTION 16. The city council shall by ordinance determine the salary of the mayor, and may in like manner change such salary from time to time, but no ordinance changing the salary shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salaries of
members of
city council.

SECTION 17. The city council may by ordinance provide for the payment of salaries to the members of either branch of the city council, but no ordinance establishing a salary or increasing a salary already established shall take effect until the municipal year succeeding that in which the ordinance is passed.

Votes on appro-
priations or
loans.

SECTION 18. All votes of the city council making appropriations or loans of money shall be in itemized form, and when brought before the city council, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two thirds of the members of each branch present and voting thereon.

SECTION 19. Either branch of the city council may by special vote hold private sittings for the consideration of candidates for election, and the board of aldermen may likewise hold private sittings for the consideration of nominations by the mayor, but all other sittings shall be public and all votes on election and on confirmation of appointments by the mayor shall be taken in public.

Public and private sittings of city council.

SECTION 20. No member of the city council shall during the term for which he is elected hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the city council or before either branch or any committee thereof.

Members of city council not to hold certain other offices, etc.

SECTION 21. Neither the city council nor either branch thereof, nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council or of either branch thereof.

Employment of labor, making of contracts, etc.

SECTION 22. The city council shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one or more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

Ordinances may be made with penalties affixed, etc.

SECTION 23. The city council shall, subject always to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of and the making of specific repairs in all streets and ways and all highways within the limits of the city; to assess the damages sustained thereby by any person and, except as herein otherwise provided, to act in matters

Laying out, etc. of streets and ways, etc.

relating to such laying out, locating anew, altering, discontinuing or repairing, but in all such matters action shall first be taken by the board of aldermen. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

General powers
and duties of
city council.

SECTION 24. Except as herein otherwise provided the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils under the general laws of the Commonwealth, and be subject to the duties imposed on city councils; and the board of aldermen shall have and exercise all the powers, other than executive, given to selectmen of towns, and shall have all the powers and authority given to boards of aldermen of cities, and shall be subject to the duties imposed upon such boards.

Term of office of
mayor, etc.

SECTION 25. The mayor shall be elected from the qualified voters of the city, and shall hold office for the municipal year next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

Mayor to be the
chief executive
officer, etc.

SECTION 26. The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him either personally or through the several officers and boards in their respective departments, under his general supervision and control.

To cause laws,
ordinances, etc.,
to be enforced.

SECTION 27. The mayor shall communicate to the city council such information and shall recommend such measures as in his judgment the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

President of
board of alder-
men to act in
absence of
mayor, etc.

SECTION 28. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting

mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

SECTION 29. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when the appointment is transmitted to the board. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

Mayor to appoint officers, confirmation by board of aldermen, etc.

Removal of officers.

SECTION 30. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may without the confirmation of the board of aldermen appoint one or more clerks, whose number and compensation shall be fixed by the city council.

Official record, etc.

SECTION 31. The mayor shall as often as once in each month call together for consultation upon the affairs of the city, the heads of departments, who shall whenever called upon furnish such information relative to their respective departments as he may request.

To call heads of departments for consultation.

SECTION 32. The mayor shall, in the month of January of each year, cause to be made to him by the heads of departments and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of the following February, and he shall, not later than the first week in February, transmit such estimates to the city council, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Estimates of amounts deemed necessary for the several departments.

Appropriations
and expendi-
tures.

SECTION 33. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability together with all prior unpaid liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Detailed state-
ments of re-
ceipts and ex-
penditures to be
published.

SECTION 34. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property, to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Administrative
officers of the
city.

SECTION 35. There shall be the following administrative officers who shall perform the duties by law prescribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the city council may prescribe:—1. A city treasurer. 2. A city collector. 3. A city auditor. 4. A city solicitor. 5. A board of assessors, consisting of three persons. 6. A board of overseers of the poor, consisting of three persons. 7. A board of health, consisting of three persons. 8. A board of license commissioners, consisting of three persons, in case the city authorizes the sale of intoxicating liquors. 9. A street commissioner, who shall have the powers of a surveyor of highways;—but instead thereof the city council may confer such powers upon a board of street commissioners or a board of public works. The city council may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other offices for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public library and a public hospital, and for other municipal purposes; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards

Establishment
of additional
boards and offi-
ces.

and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting either of the boards above-specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as above provided, and may abolish an office or board so hereafter established. It shall be the duty of the mayor to appoint all the officers above-specified, and unless otherwise provided all those for whom provision shall hereafter be made, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March and shall continue for one year or for such other period as the city council shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall be first appointed hereunder shall begin respectively upon their appointment and qualification. Every administrative officer shall unless sooner removed hold office until his successor is appointed and qualified.

Reorganization
of boards, etc.

Appointment
and terms of
office.

SECTION 36. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the mayor; all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Administrative
officers, oaths,
official records.

SECTION 37. The city council may require the city treasurer, the city collector, the city auditor and such other officers whose appointment is provided for in the preceding sections as are intrusted with the receipt, care or disbursement of money, to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Treasurer, col-
lector, etc., may
be required to
give bonds.

SECTION 38. The administrative boards and officers specified in section thirty-five, and every administrative board and officer hereafter established by the city council under the provisions of sections thirty-five to forty-three, inclusive, and having the charge of a department, shall have the power, except as herein otherwise provided, to appoint and employ and to discharge and remove all sub-

Administrative
boards, etc.,
may appoint and
discharge sub-
ordinate offi-
cers, etc.

ordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to inspection, of all so appointed and employed and of all discharged and removed, and, in case of discharge and removal, of the grounds therefor.

May employ
labor, make
contracts, etc.

SECTION 39. The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties, to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, require the signature of the mayor, and except as herein otherwise provided or by law required, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

Contracts in
excess of \$300
to be approved
by the mayor.

SECTION 40. The city council may establish a police department and provide for the appointment of a chief of police and of other members of the police force by the mayor, or by a police board, or for the appointment of other members of the force by a chief of police to be appointed by the mayor.

Police depart-
ment.

SECTION 41. The city council may establish a fire department and provide for the appointment of a chief engineer and of other members of the department by the mayor, or by a fire board, or for the appointment of other members of the department by a chief engineer to be appointed by the mayor.

Fire depart-
ment.

SECTION 42. Every administrative board, through its chairman, and every officer having charge of a department shall, at the request of either branch of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Administrative
boards, etc., to
give informa-
tion, etc., upon
request of city
council, etc.

SECTION 43. The city council shall establish by ordinance the salary or compensation of every administrative officer, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salaries to be established by ordinance, etc.

SECTION 44. The management and control of the schools of the city shall be vested in a school committee consisting of members at large and members from wards. At the first municipal election held under this act three members at large of the school committee, who shall be inhabitants of the city, shall be elected by the qualified voters of the entire city, one to serve for the term of three years, one for the term of two years and one for the term of one year, beginning with the first Monday in January then next ensuing; and thereafter one member at large of the school committee shall be elected in like manner at each annual municipal election, to serve for the term of three years beginning with the first Monday in the January next ensuing, in place of the member at large whose term then expires. At the first election so held, six members of the school committee from wards, one being an inhabitant of each ward, shall be elected by the qualified voters of the entire city. Two of such members shall serve for terms of three years, two for terms of two years and two for terms of one year, beginning with the first Monday in the January next ensuing; and their respective terms shall be assigned to them by lot directly after their election, by the selectmen of the town. At each subsequent annual municipal election the qualified voters of the city shall elect two members of the school committee from wards, inhabitants of the same wards from which the members whose terms of office then expire were elected, to serve for terms of three years as aforesaid. If however in any year there shall be a new division of the city into wards, the terms of office of all the members of the school committee from wards shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year members from wards, as many in number as there are new wards, and one being an inhabitant of each ward, shall be elected by the qualified voters of the city; and the mayor shall by lot make such arrangement of the terms of the respective members of the school committee

School committee.

from wards, that the terms of one third of the members of the school committee, as near as may be, shall expire each year.

Vacancy on
school commit-
tee.

SECTION 45. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the president of the board of aldermen shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

School com-
mittee, organi-
zation, quorum,
etc.

SECTION 46. The school committee shall meet on the first Monday in January in each year and organize by the election by ballot of one of its members as chairman and by the election of a clerk. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

To elect super-
intendent of
schools, etc.

SECTION 47. The school committee may elect a superintendent of schools and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

May purchase
lands for school
purposes, etc.

SECTION 48. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees shall, subject to the approval of the mayor, have full power and authority to select and purchase lands for school purposes, to determine the plans of all school buildings to be erected, to order all additions, alterations and repairs to school buildings, and to provide when necessary temporary accommodations for school purposes.

To make esti-
mates for
expenses for

SECTION 49. The school committee shall in the month of January in each year submit to the mayor an estimate

in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary.

financial year,
etc.

SECTION 50. Unless thereto required by law the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Not to incur
liability, etc.,
beyond the
specific appro-
priation, etc.

SECTION 51. All orders, resolutions and votes of the school committee which involve the expenditure of money shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had as are provided by law in relation to similar orders, resolutions and votes of a city council.

Orders, etc.,
for expendi-
ture of money
to be presented
to mayor for
approval.

SECTION 52. The city council may determine that salaries shall be paid to the members of the school committee, may fix the amount thereof, and may change the same from time to time.

Salaries of
members of
school commit-
tee.

SECTION 53. The removal of a member of the school committee from the ward for which he was elected, to another ward of the city, shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected.

Removal of
member from
ward not to dis-
qualify.

SECTION 54. The general laws relating to the municipal indebtedness of cities, the general laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four and all acts in amendment thereto, shall have full force, application and effect in said city.

Municipal in-
debtedness, etc.

SECTION 55. All persons holding office in said town at the time when this act takes effect and becomes of force therein, as herein provided, shall continue to hold such offices until the organization of the city government hereby authorized shall be effected and until their respective successors shall be chosen and qualified.

Present officers
to continue until
new organiza-
tion.

Pending legal proceedings not affected.

SECTION 56. No suits, prosecutions or other legal proceedings in which said town is a party, pending at the time when this act takes effect in said town, and no rights then already accrued or penalties or forfeitures incurred under any such proceedings, shall be affected or impaired by the taking effect of this act, and all by-laws of said town shall continue in force until repealed or superseded by ordinance.

Trust funds.

SECTION 57. Trust funds given to or held by said town shall continue to be held and administered by the city council of the city, and trust funds given to or held by the selectmen or other designated officers of the town shall continue to be held and administered by the mayor or by other officers of the said city having powers corresponding to those of the officers who formerly held and administered such funds.

Powers and duties of selectmen when act goes into effect, etc.

SECTION 58. Upon the taking effect of this act as herein provided the selectmen of said town shall forthwith divide the territory of the town into six wards, so that the wards shall contain, as nearly as may be consistent with well defined limits to each, equal numbers of voters, and they shall designate the wards by numbers. They shall for the purpose of the first municipal election to be held hereunder, which shall take place on the second Tuesday in the December next succeeding such taking effect, provide suitable polling places in the several wards, and shall give notice thereof, and shall, at least ten days previous to such second Tuesday in December, appoint all proper election officers for such election, and they shall in general have the powers and perform the duties of the mayor and the board of aldermen of cities under the general laws relating to elections in cities, the provisions of which shall so far as applicable apply to such election; and the town clerk shall perform the duties therein assigned to a city clerk. The registrars of voters shall cause to be prepared and published, according to law, lists of the qualified voters in each of the wards established by the selectmen.

Town clerk.
Registrars of voters.

Selectmen to notify persons, first elected, etc.

SECTION 59. The selectmen shall notify of their election the persons elected at the first election under this act, and shall provide and appoint a place for the first assembling of the mayor and city council and for the meeting of the city council on the first Monday in January next ensuing; and shall, by written notices left at their respective places of residence at least twenty-four

hours prior to such assembling, notify thereof the mayor elect and the members elect of the city council, who shall proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall in like manner provide and appoint a place and hour for the first meeting of the school committee on the day aforesaid, and shall notify the members elect thereof. Nothing herein shall affect the annual meeting in said town, which may be held next after the taking effect of this act, for the election of national, state, district and county officers.

Not to affect
next annual
state election.

SECTION 60. All general laws in force in the town of Everett when this act shall be accepted as herein provided, and all special laws heretofore passed with reference to said town of Everett and which shall then have been duly accepted by said town, and which shall be then in force therein shall, until altered, amended or repealed, continue in force in the city of Everett, so far as the same are not inconsistent herewith.

General and
special laws to
continue in
force.

SECTION 61. A meeting shall be called by the selectmen for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time after the passage thereof, except in the months of November and December. At such meeting the polls shall be open not less than eight hours and the vote shall be taken by ballot, in accordance with the provisions of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety and of all other acts relating to town elections, so far as the same shall be applicable, in answer to the question, "Shall an act passed by the general court in the year eighteen hundred and ninety-two, entitled, 'An act to incorporate the city of Everett,' be accepted?"; and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so called this act shall fail to be thus accepted, it may at the expiration of one year from any such previous meeting be again thus submitted for acceptance, but not after the period of three years from the passage thereof.

Meetings for
submission of
question of ac-
ceptance.

SECTION 62. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town as herein prescribed.

When to take
effect.

Approved June 11, 1892.

Chap.356 AN ACT TO INCORPORATE THE RED MEN'S BUILDING ASSOCIATION.*Be it enacted, etc., as follows :*Red Men's
Building Asso-
ciation incorpo-
rated.

SECTION 1. Alpheus B. Alger, William Provin, Joel G. Tyler, Augustus P. Calder, J. Peter Gardner, Fred Dobie, Andrew H. Paton, Fred O. Downes, William T. Litchman, William Scampton, Charles A. Russell, William C. Van Derlip, Samuel P. Tenney, William J. Dinsmore, Charles H. Litchman and William N. Davenport, their associates and successors, all of whom must be members of the improved order of red men, are hereby made a corporation by the name of the Red Men's Building Association, for the purpose and with power and authority to erect, purchase, lease and maintain a building in the city of Boston for the use, benefit and accommodation of the great council of the improved order of red men of this Commonwealth, subject to all general laws that now are or hereafter may be in force relating to such corporations.

Power and
authority.Capital stock
and shares.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of five dollars each, and may be invested in such real estate and personal property as may be necessary for the purposes aforesaid.

Property may
be transferred
to the Common-
wealth.

SECTION 3. If said great council shall be dissolved and cease to exist, all the property of said corporation shall vest in and become the property of the Commonwealth, to be used for charitable and benevolent purposes, as the general court may direct.

SECTION 4. This act shall take effect upon its passage.

*Approved June 11, 1892.***Chap.357** AN ACT RELATING TO THE HOURS OF LABOR OF MINORS AND WOMEN EMPLOYED IN MANUFACTURING AND MECHANICAL ESTABLISHMENTS.*Be it enacted, etc., as follows :*Fifty-eight
hour law.

SECTION 1. No minor under eighteen years of age and no woman shall be employed in any manufacturing or mechanical establishment more than fifty-eight hours in a week.

P. S. 74, § 4, to
remain in force,
except, etc.

SECTION 2. Nothing herein contained shall be construed to repeal the provisions of section four of chapter seventy-four of the Public Statutes and acts in amendment thereof or supplementary thereto, except so far as the

same relate to the hours of labor during which minors and women may be employed in a week.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and ninety-two.

To take effect
July 1, 1892.

Approved June 11, 1892.

AN ACT TO PROTECT THE SHORES AND BEACHES OF BOSTON HARBOR.

Chap. 358

Be it enacted, etc., as follows:

SECTION 1. Whoever shall take, carry away, or remove by land or water any stones, gravel or sand from any of the beaches, headlands or islands within or bordering upon Boston harbor, without the consent in writing of the board of harbor and land commissioners, shall for each offence forfeit and pay for the use of the Commonwealth a sum not less than twenty-five dollars or more than two hundred dollars, to be recovered by complaint or indictment in any court of competent jurisdiction.

Penalty for unauthorized removal of stones, gravel, etc., from beaches, etc., of Boston harbor.

SECTION 2. Boston harbor, for the purposes of this act, shall be deemed to include all tide water enclosed by the upland and a line drawn from the outer end of Point Allerton, in the town of Hull, to the outer end of the outer Brewster island and thence direct to the outer end of Cherry island bar, in the town of Revere.

Boundaries of Boston harbor for the purposes of this act.

SECTION 3. Chapter three hundred and one of the acts of the year eighteen hundred and fifty-six and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved June 11, 1892.

AN ACT IN RELATION TO THE RECOVERY OF COSTS FROM INSOLVENT ESTATES.

Chap. 359

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-nine of chapter one hundred and fifty-seven of the Public Statutes is hereby amended by inserting after the word "property", in the seventh line thereof, the words:—to the date of the first meeting,—so as to read as follows:—*Section 139.* When an attachment on mesne process has been made and is not dissolved before commencement of proceedings in insolvency, and when such attachment has been dissolved by bond given by the defendant, if the claim upon which the suit was commenced is proved against the

P. S. 157, § 139, amended.

Fees, costs, etc., when attachments are dissolved.

estate of the debtor, the plaintiff may also prove the legal fees, costs and expenses of the suit and of the custody of the property to the date of the first meeting, and the amount thereof shall be a privileged debt.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1892.

Chap.360 AN ACT TO AUTHORIZE THE TOWNS OF DENNIS AND YARMOUTH TO UNITE FOR THE EMPLOYMENT OF A SUPERINTENDENT OF SCHOOLS.

Be it enacted, etc., as follows :

May employ a
superintendent
of schools, etc.

SECTION 1. The towns of Dennis and Yarmouth shall have the same power to unite for the purpose of the employment of a superintendent of schools and the same right to receive an allowance from the state treasury, under the provisions of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof, which they would have had if said towns had contained thirty schools, and shall be subject to the same duties and liabilities.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1892.

Chap.361 AN ACT IN RELATION TO THE DETENTION OF MATERIAL WITNESSES IN CASES OF FELONY.

Be it enacted, etc., as follows :

Detention of
material wit-
nesses in cases
of felony.

Upon any complaint or indictment for a felony, a material witness, committed in the manner and under the circumstances provided by law for failure to furnish sureties for his appearance, may be held for a reasonable time under such committal, notwithstanding the offender is not in custody, pending his pursuit and apprehension.

Approved June 11, 1892.

Chap.362 AN ACT RELATING TO THE ASSESSMENT OF DAMAGES FOR PROPERTY TAKEN BY THE CITY OF FALL RIVER FOR THE BETTER PROTECTION OF ITS WATER SUPPLY.

Be it enacted, etc., as follows :

Assessment of
damages for
property taken
for protection of
water supply.

SECTION 1. The provisions of sections sixteen and seventeen, and of sections twenty-eight to thirty-one, inclusive, of chapter forty-nine of the Public Statutes, shall apply to the assessment of damages sustained by

the taking of any land, right or easement, under the authority of chapter one hundred and fourteen of the acts of the year eighteen hundred and ninety-one.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1892.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 363

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, for the purpose of increasing its sources of water supply and paying expenses connected therewith, may raise from time to time a sum of money not exceeding one hundred and fifty thousand dollars, and for this purpose may issue from time to time, bonds, notes or scrip not exceeding said amount. Said notes, bonds or scrip shall bear on their face the words, City of Lynn Water Loan, Act of 1892, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the mayor and treasurer of said city. The said city may sell such securities at public or private sale or pledge the same for money borrowed on account of expenses connected with its water supply, upon such terms and conditions as it deems proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof. The said city shall at the time of contracting said loan provide for the establishment of a sinking fund, and shall annually contribute a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; and the said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1892.

AN ACT TO AUTHORIZE THE WORCESTER AND SHREWSBURY RAILROAD COMPANY TO EXTEND ITS TRACKS ACROSS LAKE QUINSIGAMOND.

Chap. 364

Be it enacted, etc., as follows:

SECTION 1. The Worcester and Shrewsbury Railroad Company is hereby authorized to extend its tracks and

Tracks may be extended across Lake Quinsigamond.

Provisos. railroad from its present eastern terminus at Lake Quinsigamond, in the city of Worcester, to the western end of the causeway which crosses said lake, and thence over and along said causeway to the line dividing said city and the town of Shrewsbury: *provided*, that said company widens said causeway ten feet upon the southerly side thereof and lays its track on the outer or southerly edge of the widened causeway; and *provided, further*, that no tracks constructed under the provisions of this act shall cross a highway at grade.

Subject to the regulation of the railroad commissioners, etc.

SECTION 2. Said railroad company shall conform to such regulations as may be made by the board of railroad commissioners for securing the safety and convenience of public travel on the highway over said causeway. And said company shall not allow cars to occupy such causeway for more than five minutes at a time.

Repairs to streets occupied by tracks, damages, etc.

SECTION 3. Said railroad company shall keep in repair that part of any street or way which is occupied by tracks laid under the provisions of this act, and a space eighteen inches outside of said tracks on both sides. And said company shall be liable to reimburse said city for all damages and costs which said city may be compelled to pay by reason of injuries suffered by any person because of a defect in that part of any street or way which said company is bound to repair: *provided*, that said company is notified of the pendency of, and given an opportunity to defend, any suit which may be instituted for the recovery of such damages.

Powers to cease unless a railroad is built to Marlborough within three years, etc.

SECTION 4. Unless said company or some other railroad company legally organized and empowered so to do shall, within three years after the passage of this act, construct, equip and operate a narrow gauge railroad from the eastern terminus of the extension herein authorized to the main village in the city of Marlborough, to connect with the extension herein authorized, the powers granted by this act shall cease, and said Worcester and Shrewsbury Railroad Company shall remove from said causeway any structures and tracks which it may have placed thereon.

Damages caused by tracks over private land, etc.

SECTION 5. If said corporation locates its tracks, under the provisions of this act, over any private land, or otherwise causes damage to any person in his property, such damages shall be assessed and collected in the manner provided by chapter one hundred and twelve of the Public

Statutes and acts in amendment thereof and addition thereto, as in the case of the laying out of railroads. But the city of Worcester shall not be entitled to damages by reason of the construction of tracks along said causeway in accordance with the provisions of section one of this act.

SECTION 6. In case the city of Worcester should decide to construct a bridge in the future to replace the whole or a part of the said causeway, the railroad company shall be required to bear its proportional share of the cost of said bridge, said share to be determined by the county commissioners of the county of Worcester.

Proportional share of cost of bridge to be paid by corporation.

Approved June 11, 1892.

AN ACT TO AUTHORIZE THE TOWN OF NORTH ATTLEBOROUGH TO PURCHASE THE FRANCHISE AND PROPERTY OF FIRE DISTRICT NUMBER ONE OF SAID TOWN.

Chap. 365

Be it enacted, etc., as follows:

SECTION 1. The town of North Attleborough is hereby authorized to buy, and the corporation called the Fire District Number One of North Attleborough is hereby authorized to sell, during the continuance of its charter, the franchise, corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon; and if said town and said corporation do not agree, the compensation shall be determined by three commissioners to be appointed by the supreme judicial court upon the application of either party and notice to the other, whose award when accepted by the court shall be binding upon all parties.

Town may purchase property, etc., of fire district.

SECTION 2. Upon the execution of said conveyance, all the rights, privileges and liabilities of said fire district shall vest in and be assumed by said town of North Attleborough, and said town may supply water to the inhabitants of said town and others, subject to all the duties, restrictions and liabilities applicable to said fire district.

Town to assume rights, powers, etc., of fire district, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1892.

AN ACT TO ESTABLISH A NAVAL BRIGADE, TO BE ATTACHED TO THE VOLUNTEER MILITIA.

Chap. 366

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed, in addition to the militia as provided in section twenty-two of chapter four

Naval brigade.

hundred and eleven of the acts of the year eighteen hundred and eighty-seven, a naval brigade, to consist of eight companies.

Officers of brigade.

SECTION 2. The officers of this brigade shall consist of one captain, who shall be chief of brigade and whose rank and pay shall be the same as that of a colonel of infantry; a commander, whose rank and pay shall be the same as that of a lieutenant colonel of infantry, and who shall be chief of staff and executive officer; and a staff to consist of a brigade adjutant, an ordnance officer, an equipment officer, a paymaster, who shall be the mustering officer for the brigade, a surgeon, an engineer, a signal officer and two aids. These officers, except the signal officer and two aids, shall be lieutenants and have rank and pay corresponding with that of captains of infantry. The signal officer and aids shall be lieutenants, junior grade, and shall have the same rank and pay as first lieutenants of infantry. There shall also be attached to the brigade staff the following petty officers: one master at arms, who shall be the chief petty officer of the brigade and shall have the rank and pay of a sergeant major of infantry; one chief gunner's mate, one equipment yeoman, one apothecary, one ship's armorer, two torpedo electricians, four machinists, one chief quartermaster, one coxswain and one chief bugler, all of whom shall have the same rank and pay as non-commissioned staff of infantry.

Officer of each battalion.

SECTION 3. To each battalion there shall be one lieutenant commander, who shall be chief of battalion, whose rank and pay shall be the same as that of a major of infantry, and a staff consisting of one battalion adjutant and one assistant surgeon, who shall have the rank of lieutenant, junior grade, with the corresponding rank and pay of first lieutenants of infantry. There shall also be attached to the staff of each battalion the following petty officers: one chief boatswain's mate, one apothecary, one electrician, one chief quartermaster and one bugler, all of whom shall have the same rank and pay as first sergeants of infantry.

Petty officers.

Officers and seamen of each company.

SECTION 4. To each company there shall be one lieutenant, who shall be chief of company; two lieutenants, junior grade, and two ensigns, who shall correspond in rank and pay with captains and first and second lieutenants of infantry, respectively; two boatswain's mates, two gunner's mates, two quartermasters, two coxswains, one

bugler and forty-four seamen. Boatswain's mates and gunner's mates shall rank with sergeants, and coxswains and quartermasters with corporals of infantry. The seamen shall receive the same pay as enlisted men in companies of infantry.

SECTION 5. The naval brigade shall be allowed one band, of twenty-four pieces, and shall be uniformed as the commander in chief shall direct, out of any existing appropriations for uniforms or supplies for the militia, and shall be instructed as he may direct, and be subject to the laws and regulations governing the militia. The duty required by law may be performed afloat.

Band.

SECTION 6. Commanders of companies shall be the recruiting officers of their commands, and the brigade commander may forbid the muster in of any person when in his judgment the person enlisted is unfit to be a member of the volunteer militia.

Recruiting officers; muster in of recruit may be forbidden.

SECTION 7. Chapter three hundred and sixty-six of the acts of the year eighteen hundred and eighty-eight and all acts and parts of acts inconsistent herewith are hereby repealed, but such repeal shall not affect the organization of the present naval battalion, except a change in the office of paymaster, but such battalion shall be included in and become a part of said brigade.

Repeal.

Present naval battalion to be a part of the naval brigade.

SECTION 8. This act shall take effect on the first day of September in the year eighteen hundred and ninety-two.

To take effect September 1, 1892.

Approved June 11, 1892.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO BORROW MONEY BEYOND THE LIMIT FIXED BY LAW FOR STREET IMPROVEMENTS, SEWERS AND THE ERECTION OF SCHOOLHOUSES.

Chap. 367

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River, for the purpose of laying out, establishing, constructing and improving streets or highways within the limits of said city, and for the purpose of making or repairing sidewalks or street crossings therein, and for the construction of sewers and the erection of schoolhouses, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars beyond the limit of indebtedness fixed by law; and may issue bonds, notes or scrip therefor, payable in periods not exceeding twenty years from the date of issue; seventy-five hundred dollars of said loan to be payable each year. Of said sum fifty thousand dollars shall be used for

May borrow money beyond the debt limit for certain improvements.

improvements on the highways; twenty-five thousand dollars for paving; twenty-five thousand dollars for sewers, and the balance for schoolhouses; said sums shall be used for the above-named purposes and no other.

SECTION 2. This act shall take effect upon its passage.

Approved June 11, 1892.

Chap.368 AN ACT TO PREVENT THE FRAUDULENT MARKING OF BALLOTS DURING AND SUBSEQUENT TO ELECTIONS.

Be it enacted, etc., as follows:

Penalties for
fraudulent
marking of bal-
lots.

Any voter who shall place any distinguishing mark on his ballot shall be punished by fine not exceeding one hundred dollars or by imprisonment in the jail not exceeding six months, or by both such fine and such imprisonment; and any person who shall place any mark against any name on any ballot not cast by himself, or who shall place any distinguishing mark on any such ballot except as authorized by law, shall be punished by fine not exceeding one thousand dollars and by imprisonment in the jail not exceeding three years.

Approved June 11, 1892.

Chap.369 AN ACT PROVIDING FOR THE APPOINTMENT OF AN INSPECTOR OF PROVISIONS, MILK, BUTTER, CHEESE AND VINEGAR, FOR THE CITY OF LYNN.

Be it enacted, etc., as follows:

Inspector of
provisions.

SECTION 1. The board of health of the city of Lynn, and its successors, is authorized and empowered to appoint an inspector of provisions, who shall also be an inspector of milk, butter, cheese and vinegar. Said officer shall be appointed annually in the month of May, and shall hold office until the first Monday of May of the year following, or until his successor is appointed, and may be removed by said board for cause. He shall be under the control of said board, and shall perform all duties now required by inspectors of milk, butter, cheese and vinegar, and inspectors of provisions, and shall have all the powers that are now vested in said officers respectively.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 11, 1892.

AN ACT IN RELATION TO THE ACCOUNTS AND RECORDS OF COL-
LECTORS OF TAXES. *Chap. 370*

Be it enacted, etc., as follows:

SECTION 1. Every collector of taxes who resigns his office, or is removed or retired from office, shall within three months after such resignation, removal or retirement, deposit all his accounts, records and papers relating to the assessment and collection of taxes in the city or town in which he held such office, excepting his warrant, with the clerk of such city or town.

Collector to deposit records and papers with city or town clerk within three months after retirement, etc.

SECTION 2. Every ex-collector of taxes shall, within three months after the passage of this act, deposit all the accounts, records and papers which are now in his possession relating to the assessment and collection of taxes in the city or town in which he held such office, excepting his warrant, with the clerk of said city or town.

Ex-collectors to make such deposit, etc.

SECTION 3. The executor or administrator of a deceased person who at the time of his death or previously thereto was a collector of taxes, shall, within three months after his acceptance of the office of administrator, deposit all the accounts, records and papers which came into his hands relating to the assessment and collection of taxes, with the clerk of such city or town.

Executors or administrators to make deposit within three months after acceptance of office.

SECTION 4. When all the taxes committed to the collector of taxes in any city or town have been paid or abated, or in any event at the end of three years from the date of the commitment to him of said taxes, he shall deposit all the accounts, records and papers relating to such taxes, with the clerk of the city or town in which he holds office.

When taxes have been paid or abated, etc., records, etc. to be deposited.

SECTION 5. If the collector of taxes in any city or town has an office for the deposit of records and the transaction of the business of collector, the accounts, records and papers required to be deposited with the city or town clerk shall be deposited with the collector in said office.

Collector to have custody of records, etc., in certain cases.

SECTION 6. Any city or town clerk, or collector of taxes mentioned in section five of this act, who shall have knowledge of any accounts, records or papers relating to taxes in his city or town which, under the provisions of this act, should be in his possession, shall demand the same of any person having them in his possession.

Records and papers to be demanded of persons in possession of the same.

SECTION 7. Any collector or ex-collector of taxes, or any executor or administrator mentioned in section three

Penalty.

of this act, who refuses or neglects to perform any duty required by this chapter, or any person having in his possession any accounts, records or papers mentioned in section six of this act, who, after demand made by the clerk or collector entitled by law to have possession of the same, wrongfully detains them, shall forfeit a sum not exceeding five hundred dollars.

Approved June 11, 1892.

Chap. 371 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE JAMAICA POND AND WARD'S POND FOR A PUBLIC PARK.

Be it enacted, etc., as follows:

Lands, etc., on Jamaica pond and Ward's pond may be taken for a public park.

Jamaica Pond Ice Company may continue ice business for two years, etc.

SECTION 1. The city of Boston may, by a vote of its park commissioners approved by its mayor, take in fee, by purchase or otherwise, such lands with the buildings thereon, abutting on Jamaica pond in that part of Boston known as ward twenty-three, and such lands with the buildings thereon, abutting on Ward's pond in that part of Boston known as ward twenty-two, as said board of park commissioners with the approval of said mayor may determine to be desirable for the public parks of said city, whether said lands are held by the Jamaica Pond Aqueduct Corporation or by any other corporation or person; but whenever any of the lands and buildings of the Jamaica Pond Aqueduct Corporation are so taken, otherwise than by purchase, the whole of the land and buildings owned by it on the first day of March in the year eighteen hundred and ninety-two, abutting on either of said ponds, shall be taken; and whenever lands of the Jamaica Pond Ice Company lying between Prince street and said Jamaica pond are so taken, otherwise than by purchase, the whole of the lands so lying, owned by it at the time of said taking, and all buildings thereon used by it in connection with its business in cutting and removing ice from said pond, and storing and selling the same, and all fixtures forming a part of said buildings, shall be taken; and whenever any of its lands lying between Pond street and said Jamaica pond are so taken, the whole of its lands and buildings so lying and owned by it at the time of said taking, and all buildings thereon used by it in connection with its business of cutting and removing ice from said pond, and storing and selling the same, and all fixtures forming a part of said buildings, shall be taken. And if said company or its assigns shall give written notice to said board of park commissioners, within sixty days after receiving notice

of any such taking, that it desires to carry on its said business upon the premises taken, said company or its assigns shall have the right to cut and remove ice from said Jamaica pond, and to remain in possession of and use its fixtures, buildings and premises, and to continue its business as before, for a period not exceeding two years from and after said taking; and the existence of said right shall be taken into account in estimating the damages sustained by said company.

SECTION 2. Said board of park commissioners shall within sixty days after the taking of any lands as aforesaid, otherwise than by purchase, cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands so taken as certain as is required in a common conveyance of land, together with the statement that the same have been taken under the authority of this act, which description and statement shall be signed by said board or by a majority thereof. The fee of any property so taken shall vest in the city, and said board of park commissioners shall determine, and said city shall pay, all damages sustained by any person or corporation in his property by any taking made under the authority of this act, otherwise than by purchase; but said determination by said board of park commissioners shall not be a condition precedent to any application to either the superior court or the supreme judicial court for the assessment of said damages as provided in the following section.

Description of lands, etc., to be recorded in Suffolk registry of deeds.

Fee of land to vest in the city; damages.

SECTION 3. Said board of park commissioners or any person sustaining damages in his property by any taking, otherwise than by purchase, made under authority of this act, if they fail to agree as to the amount of damages so sustained may within one year after such taking, file in the office of the clerk of the superior court for the county of Suffolk a petition for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages so sustained shall be determined by a jury in said court in the same manner as damages for lands taken for highways in said city are determined, and costs shall be taxed as in civil cases: *provided, however*, that if the person or corporation sustaining damages as aforesaid shall within six months after such taking, file in the office of the clerk of the supreme judicial court for the county of Suffolk a petition for the assessment of such damages, said court shall, after such notice to the parties as the

Proceedings upon failure to agree upon amount of damages.

court shall order, appoint three disinterested persons who shall, after such notice as the court shall order, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed or of a major part thereof, being returned into and accepted by said court, shall be final, and judgment shall be entered and execution issued thereon for the prevailing party, with costs taxed as in civil cases. In case of an application to the supreme judicial court as aforesaid, any petition theretofore filed in the superior court for the assessment of said damages shall forthwith abate and be superseded.

Waters of ponds
to be protected
from pollution,
etc.

SECTION 4. Said city, to better guard and protect the waters of said Jamaica pond and said Ward's pond from pollution and intrusion, shall, after it has taken, by purchase or otherwise, all the lands abutting on said ponds and until otherwise provided by statute, have and exercise all the right and control which the Commonwealth has in said ponds or in either of them; but nothing herein shall be construed to authorize said city to prevent said Jamaica Pond Ice Company or its assigns from continuing to cut and remove ice from said Jamaica pond and to carry on its business as heretofore during the period mentioned in section one of this act, if it shall so elect.

SECTION 5. This act shall take effect upon its passage.
Approved June 13, 1892.

Chap. 372

AN ACT IN RELATION TO PROOF OF CLAIMS UNDER LIFE POLICIES,
AND PROVIDING CERTAIN PENALTIES.

Be it enacted, etc., as follows:

1887, 214 § 73,
amended.

Section seventy-three of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven is hereby amended by adding at the end thereof the following words:—In any claim arising under a policy which has been issued in this Commonwealth by any life insurance company, without previous medical examination, or without the knowledge and consent of the insured, or, in case said insured be a minor, without the consent of the parent, guardian or other person having legal custody of said minor, the statements made in the application as to the age, physical condition and family history of the insured shall be held to be valid and binding upon the company: *provided, however,* that the company shall not be debarred from proving as a defence to such claim that

said statements were wilfully false, fraudulent or misleading. Any solicitor, agent, examining physician or other person who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or who shall make any such statement for the purpose of obtaining any fee, commission, money or benefit in any corporation transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, at the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of the Commonwealth in relation to the crime of perjury, — so as to read as follows: — *Section 73.* When a policy of insurance is effected by any person on his own life, or on another life in favor of some person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds, against the creditors and representatives of the person effecting the same: *provided,* that, subject to the statute of limitation, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of some creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditors. In any claim arising under a policy which has been issued in this Commonwealth by any life insurance company, without previous medical examination, or without the knowledge and consent of the insured, or, in case said insured be a minor, without the consent of the parent, guardian or other person having legal custody of said minor, the statements made in the application as to the age, physical condition and family

Rights of creditors and beneficiary.

Proviso.

When policy is issued without medical examination, etc., to be valid and binding.

Proviso.

Penalties.

history of the insured shall be held to be valid and binding upon the company : *provided, however*, that the company shall not be debarred from proving as a defence to such claim that said statements were wilfully false, fraudulent or misleading. Any solicitor, agent, examining physician or other person who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or who shall make any such statement for the purpose of obtaining any fee, commission, money or benefit in any corporation transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, at the discretion of the court ; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of the Commonwealth in relation to the crime of perjury.

Approved June 13, 1892.

Chap.373 AN ACT AUTHORIZING THE APPOINTMENT OF WATER COMMISSIONERS FOR THE CITY OF QUINCY, AND PROVIDING MEANS FOR THE PURCHASE OF THE FRANCHISE, CORPORATE PROPERTY AND ALL THE RIGHTS AND PRIVILEGES OF THE QUINCY WATER COMPANY.

Be it enacted, etc., as follows :

Water com-
missioners,
terms of office.

SECTION 1. A board consisting of three commissioners, who shall be citizens of the city of Quincy, shall be appointed by the mayor of said city upon the passage of this act ; they shall hold their offices respectively until the expiration of one, two and three years from the first Monday of February next preceding their appointment and until their respective successors have been appointed and qualified, unless they shall sooner resign or be removed for cause as hereinafter provided ; and thereafter in January in each succeeding municipal year one person shall be so appointed a member of said board, who shall hold office for three years from the first Monday of the February next ensuing and until his successor has been

appointed and qualified, unless his duties are sooner terminated as hereinafter provided. Appointments to fill vacancies which may occur by death, resignation or otherwise, shall be made without delay by the mayor, and he may remove any water commissioner from office for the causes and in the manner provided in section twenty-seven of chapter three hundred forty-seven of the acts of the year eighteen hundred and eighty-eight. Said commissioners shall have such office room and clerical assistance, and shall receive such compensation as the city council from time to time may determine.

Vacancies,
removals,
compensation.

SECTION 2. The said commissioners shall, under the general supervision and control of the mayor of said city, in accordance with the provisions of the charter of said city, superintend and direct the construction, execution and performance of all the works, matters and things pertaining to the water supply of said city, and shall continue to have the control and management of the same under the general supervision and control of the mayor as aforesaid. They shall be subject to such ordinances, rules and regulations in the execution of such duties as the city council of said city may from time to time ordain and establish, not inconsistent with the laws of this Commonwealth.

Powers and
duties.

SECTION 3. The said city, for the purpose of paying the cost and expense of the franchise, corporate property and all the rights and privileges of the Quincy Water Company, taken and held under the provisions of chapter one hundred and sixty-two of the acts of the year eighteen hundred and eighty-three and the acts in amendment thereof, and all the necessary costs and expense incidental to and connected with the determination of the value thereof, and also for the purpose of paying the cost and expense of the preserving, purifying and maintaining of the same, shall, in addition to the rights granted by the said chapter one hundred and sixty-two of the acts of the year eighteen hundred and eighty-three, have authority to issue notes, scrip or bonds, to be denominated on the face thereof, Quincy Public Water Supply Loan, to an amount not exceeding seven hundred thousand dollars, bearing interest not exceeding five per centum per annum payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such notes, scrip or bonds respectively. Said city may sell the same

Quincy Public
Water Supply
Loan not to
exceed \$700,000.

Sinking fund.

or any part thereof from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. Said city shall pay the interest as it accrues on said loan, and shall establish a sinking fund and shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said principal and shall be used for no other purpose.

May provide
for annual pro-
portionate
payments.

SECTION 4. The said city of Quincy, instead of establishing a sinking fund, may at the time of authorizing said loan, including any loan under chapter one hundred and sixty-two of the acts of the year eighteen hundred and eighty-three, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed by the city council and approved by the mayor of said city, the amount required thereby shall without further vote be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Repeal.

SECTION 5. So much of chapter three hundred and forty-seven of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof as is inconsistent herewith, is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved June 13, 1892.

Chap. 374 AN ACT RELATING TO THE ABOLITION OF GRADE CROSSINGS ON CHELSEA BRIDGE AND CHELSEA BRIDGE AVENUE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Commission to
abolish grade
crossings on
Chelsea bridge
or Chelsea
bridge avenue.

SECTION 1. Upon petition of the mayor and aldermen of the city of Chelsea, the superior court, or any justice thereof sitting in equity for the county of Suffolk, after such notice by public advertisement or otherwise as the court shall deem desirable, and a hearing, shall appoint, according to its discretion, a commission of three disinterested persons not residents of the county of Suffolk, who shall, after due notice and a hearing, prescribe the alterations and improvements necessary to abolish or over-

come all grade crossings on that part of Chelsea bridge or Chelsea Bridge avenue crossing Mystic river in Boston in said county.

SECTION 2. The said commission shall prescribe the manner and limits within which such alterations and improvements shall be made, and shall further determine how the work shall be done; and if said commission shall decide that said grade crossings shall be abolished or overcome by carrying the highway by a bridge or superstructure over the present railroad crossings on said bridge or avenue, it may discontinue the present highway under such bridge or superstructure, except so far as the use of the same may be required for the proper and convenient construction, maintenance, alteration and repair of said overhead structure and the foundation and support thereof and of any reconstruction of the same: *provided, however*, that the Lynn and Boston Railroad Company and the Boston and Chelsea Railroad Company shall have the same rights in any superstructure that may be erected hereunder as they have in the present bridge and roadway.

Powers and duties.

Rights of certain corporations in new bridge.

SECTION 3. The Lynn and Boston Railroad Company, subject to the approval of the board of harbor and land commissioners, may build a temporary bridge or bridges, upon which bridge or bridges it may run its cars while said alterations and improvements are being made, and it shall primarily pay all the expenses thereof, including those of removal, and be liable for all damages arising in consequence thereof.

The Lynn and Boston Railroad Company to build temporary bridge.

SECTION 4. The Boston and Maine Railroad shall carry out such alterations and improvements as said commission shall prescribe, and do all the work required therein; and of the cost incurred by said Boston and Maine Railroad in doing said work and making said alterations and improvements, as audited and approved by the auditors provided for in chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, including in such cost the cost of the hearing and the compensation of the commissioners and auditors for their services, and including also damages mentioned in section five of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and in all acts in addition thereto or in amendment thereof, and including further all expenses of the Lynn and Boston Railroad Company in changing its tracks to said super-

Boston and Maine Railroad to make the alterations, etc.

Payment of cost, damages and expenses.

structure and in building said temporary bridge, five per centum shall be repaid to said Boston and Maine Railroad by said Lynn and Boston Railroad Company, and thirty per centum shall be repaid to said Boston and Maine Railroad by the Commonwealth, in the same manner and from the same funds that money is paid by the Commonwealth under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety; and of the amount so repaid to said Boston and Maine Railroad by the Commonwealth, eighteen per centum shall be repaid to the Commonwealth by each of said cities of Boston and Chelsea, in three equal annual payments of six per centum of said amount.

Cities of Boston and Chelsea to repay Commonwealth their proportion of cost, etc.

SECTION 5. Six per centum of the total amount to be repaid to the Commonwealth by the cities of Boston and Chelsea, as provided in the preceding section, shall be included in and made a part of the sum charged to each of the cities of Boston and Chelsea for each of the ensuing three years, and shall be assessed upon them in the apportionment and assessment of their annual state tax. The state treasurer shall in each of said three years notify each such city of the amount of such assessment, which amount shall be paid by the city into the treasury of the Commonwealth at the time required for the payment, and as a part of its state tax.

Provisions of law applicable.

SECTION 6. Sections four to twelve, inclusive, of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety and all acts in addition thereto or in amendment thereof, shall be applicable to all proceedings under this act, so far as they shall not conflict with the provisions of this act: *provided, however*, that all damages occasioned by the taking of land, whether by either city or said railroad company, shall primarily be paid by said railroad company.

Proviso.

SECTION 7. This act shall take effect upon its passage.

Approved June 14, 1892.

Chap. 375 AN ACT TO REPEAL CHAPTER THREE HUNDRED AND THIRTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-ONE, ENTITLED AN ACT TO SUPPLY THE TOWN OF METHUEN WITH WATER.

Be it enacted, etc., as follows:

Repeal 1891, 331.

SECTION 1. Chapter three hundred and thirty-one of the acts of the year eighteen hundred and ninety-one,

entitled an act to supply the town of Methuen with water, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1892.

AN ACT IN RELATION TO THE TIME OF PAYMENT OF THE FUNDED
DEBT OF THE CITY OF CHELSEA.

Chap. 376

Be it enacted, etc., as follows :

Section two of chapter two hundred and forty-eight of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the words "payable on", in the tenth line of said section, the words : — any day not later than, — so as to read as follows : — *Section 2.* The said city, availing itself of the provisions of the foregoing section, may issue new bonds, notes or scrip from time to time as the outstanding bonds, notes or scrip which shall then constitute the remainder of its funded indebtedness, not including however the indebtedness incurred under the provisions of section five of chapter twenty-nine of the Public Statutes, shall severally mature, for the purpose of providing for the payment of the same, and may make said bonds, notes or scrip, so issued as aforesaid, payable on any day not later than the thirty-first day of December in the year nineteen hundred and eleven, and shall at the time of said issue establish a sinking fund and contribute thereto from year to year an amount, raised annually by taxation, sufficient with its accumulations to pay said bonds, notes or scrip, so issued as aforesaid, at their maturity.

1891, 248, § 2.
amended.

May issue new
bonds, etc.

Sinking fund.

Approved June 15, 1892.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF CITY GOVERN-
MENTS.

Chap. 377

Be it enacted, etc., as follows :

SECTION 1. The inhabitants of a town containing not less than twelve thousand inhabitants may, upon due warning, hold a meeting at any time in a year, except the months of November and December, for the purpose of applying for and consenting to a city government for such town, with the powers, privileges and immunities enumerated in the articles of government hereinafter set forth. At such meeting the polls shall be opened for not less than eight hours, and the vote shall be taken by ballot, in accordance with the provisions of law relating to elec-

Establishment
of city govern-
ments.

Voting to be by
ballot, time, etc.

tions in towns, so far as the same shall be applicable, in answer to the following propositions, which shall be set forth on the ballot in the following form: —

[Mark a cross in the square at the right of the answer which you wish to give.]

Form of ballot.

1. Shall the town apply for and consent to a city government, with powers, privileges and immunities as set forth in an act of the general court of the year eighteen hundred and ninety-two, entitled, an act to provide for the establishment of city governments?

| | |
|------|--|
| YES. | |
| NO. | |

2. Shall the city council be composed of a board of aldermen and common council, instead of being a single body?

[If in favor of both a board of aldermen and a common council answer Yes; if in favor of a single body answer No.]

| | |
|------|--|
| YES. | |
| NO. | |

3. Shall the aldermen, if the city council is composed of two branches, be elected for *two* years, instead of for *one* year?

[If in favor of *two* years answer Yes; if in favor of *one* year answer No.]

| | |
|------|--|
| YES. | |
| NO. | |

4. Shall the mayor be elected for *two* years instead of for *one* year?

[If in favor of *two* years answer Yes; if in favor of *one* year answer No.]

| | |
|------|--|
| YES. | |
| NO. | |

City government to be constituted upon majority vote.

If a majority of the inhabitants of such town, present and voting at any such meeting, shall so apply for and consent to a city government, then a city government shall be constituted in such town, with powers, privileges and immunities enumerated in articles of government as hereinafter set forth and as determined by the vote upon the optional provisions. If the larger number of votes upon the second proposition shall be in the affirmative, then the articles four, seven, eight, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-eight, twenty-nine, thirty, forty-two and forty-five shall be applicable and take effect in such town in the forms numbered one of said articles as hereinafter set forth; but if the larger number of votes upon said proposition shall be in the negative, then the said articles shall be applicable and take effect in the forms thereof numbered two. If the larger number of votes upon both the second and third propositions shall

Provisions applicable.

be in the affirmative, article ten shall be applicable and take effect in the form of said article numbered one as hereinafter set forth; if the larger number of votes upon the second proposition shall be in the affirmative and upon the third proposition shall be in the negative, then said article ten shall be applicable and take effect in the form thereof numbered two; if the larger number of votes upon the second proposition shall be in the negative, then said article ten shall be applicable and take effect in the form thereof numbered three. If the larger number of votes upon the fourth proposition shall be in the affirmative, then article twenty-five shall be applicable and take effect in the form numbered one of said article as hereinafter set forth; but if the larger number of votes upon said proposition shall be in the negative, then said article twenty-five shall be applicable and take effect in the form thereof numbered two. In case of an equal number of votes, or a failure to vote, upon either the second, third or fourth proposition, the proposition in such case shall be held to be answered in the affirmative. If however at a meeting held as aforesaid the inhabitants of a town shall fail to vote in favor of applying for and consenting to a city government, no other meeting for the purpose shall be held in the same calendar year.

SECTION 2. The selectmen of a town in which a meeting is held under the provisions of the preceding section shall forthwith make return of the votes cast under the several propositions, to the secretary of the Commonwealth. If it shall appear that a majority of the voters of the town present and voting upon the first proposition have voted to apply for and have consented to a city government, as in said first proposition set forth, then the secretary of the Commonwealth shall cause a copy of the provisions of the articles of government, in the form in which they have been consented to by vote of the town in response to the second, third and fourth propositions, supplying therein the name of the town in the proper blanks, to be properly engrossed and attested and delivered to the town clerk of said town. The articles of government as so consented to and attested shall constitute the powers, privileges and immunities to be in force and effect for the government of such town, to the extent and in the manner in said articles set forth. The secretary of the Commonwealth shall cause to be printed in one or more newspapers pub-

Selectmen to make return of votes to the secretary.

Secretary to deliver to town clerk the articles of government.

City charter.

held, as aforesaid, to fill the vacancy. In case a vacancy in the office of mayor or of a member of the city council shall occur within the four months previous to the expiration of his term of office, the city council may, in its discretion, order a new election to be held as aforesaid to fill the vacancy.

[FORM TWO of Article 7, to apply if the City Council is to be a Single Body:—]

Vacancies in
office. Form 2.

ARTICLE 7. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the city council shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the city council then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than four months previous to the expiration of his term of office, the city council shall forthwith cause a new election to be held, as aforesaid, to fill the vacancy. In case a vacancy in the office of mayor or of a member of the city council shall occur within the four months previous to the expiration of his term of office, the city council may, in its discretion, order a new election to be held, as aforesaid, to fill the vacancy.

[FORM ONE of Article 8, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Location of
wardroom.
Form 1.

ARTICLE 8. When no convenient wardroom for holding the meetings of the qualified voters of a ward can be had within the territorial limits of such ward, the board of aldermen may, in the warrant for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

[FORM TWO of Article 8, to apply if the City Council is to be a Single Body:—]

Location of
wardroom.
Form 2.

ARTICLE 8. When no convenient wardroom for holding the meetings of the qualified voters of a ward can be

had within the territorial limits of such ward, the city council may, in the warrant for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

ARTICLE 9. General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the Commonwealth, and such meetings may and upon the request in writing of fifty qualified voters setting forth the purposes thereof shall be called.

General meetings.

TITLE III. THE CITY COUNCIL.

[FORM ONE of Article 10, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council, and the Aldermen are to be elected for two years:—]

ARTICLE 10. The city council shall be composed of two branches, one of which shall be called the board of aldermen, and the other the common council. The board of aldermen shall be composed of six members, who shall be elected by and from the qualified voters of the city. At the first municipal election three aldermen shall be elected who shall hold office for the municipal year next succeeding their election, and three aldermen shall be elected who shall hold office for the two municipal years next succeeding their election; and at every municipal election thereafter three aldermen shall be elected who shall hold office for the two municipal years next succeeding their election. In the election in the manner aforesaid, at the first municipal election, of three aldermen for two years, and also in the election of three aldermen for one year, and likewise in subsequent municipal elections in the election of three aldermen for two years, no voter shall vote for more than two of the candidates for the three positions respectively. If a voter marks more than two names for the three positions to be so filled his ballot shall not be counted for any of such positions. If in any year of a new division of the city into wards the number of the wards shall be changed, the terms of office of all the aldermen shall expire at the end of the municipal year in which the division is made, and at the municipal election occurring in such year, aldermen as many in number as there are new wards shall be elected. The board of

City council.
Form 1.

aldermen so elected shall directly after its organization so assign by lot the terms of the respective members that the terms of one half of the members of the board, as near as may be, shall expire each year thereafter. In every municipal election so held after such new division into wards, except in voting to fill vacancies, each voter may vote for a number of aldermen one less than the number to be elected, and shall vote for no more; and any ballot which is marked for a greater number of names than as above provided shall not be counted in the vote for aldermen. Three members of the common council shall be elected annually by the qualified voters of each ward, and the councilmen so elected shall hold office for the municipal year next succeeding their election. Councilmen may be elected from the qualified voters of the entire city.

[FORM TWO of Article 10, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council, and the Aldermen are to be elected for one year:—]

City council.
Form 2.

ARTICLE 10. The city council shall be composed of two branches, one of which shall be called the board of aldermen and the other the common council. The board of aldermen shall be composed of six members, who shall be elected by and from the qualified voters of the city and shall hold office for the municipal year next succeeding their election. In the election, in the manner aforesaid, of six aldermen for the full term of one year, no voter shall vote for more than four of the candidates for the six positions. If a voter marks more than four names for the six positions to be so filled his ballot shall not be counted for any of such positions. If in any year of a new division of the city into wards the number of the wards shall be changed, there shall be elected at the municipal election occurring in such year, aldermen as many in number as there are new wards. In every annual municipal election held after such new division into wards, each voter may vote for a number of aldermen two less than the number then to be elected, and shall vote for no more; and any ballot which is marked for a greater number of names than as above provided shall not be counted in the vote for aldermen. Three members of the common council shall be elected annually by the qualified voters of each ward, and the councilmen so elected shall hold office for the municipal year next succeeding their election. Councilmen may be elected from the qualified voters of the entire city.

[FORM THREE of Article 10, to apply if the City Council is to be a Single Body:—]

ARTICLE 10. The city council shall be a single body. City council.
Form 3.
Three councilmen shall be elected annually by the qualified voters of each ward, and shall hold office for the municipal year next succeeding their election. Councilmen may be elected from the qualified voters of the entire city.

[FORM ONE of Article 11, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 11. The mayor elect and the members elect of the city council shall, on the first Monday in the January succeeding their election, at twelve o'clock, noon, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk, or by a justice of the peace. Oaths of office.
Form 1.
In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after the first Monday in January the oath of office may be administered in the presence of either branch of the city council to a member of such branch who was absent on the first Monday in January, or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

[FORM TWO of Article 11, to apply if the City Council is to be a Single Body:—]

ARTICLE 11. The mayor elect and the members elect of the city council shall, on the first Monday in the January succeeding their election, at twelve o'clock, noon, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk, or by a justice of the peace. Oaths of office
Form 2.

In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after the first Monday in January the oath of office may be administered in the presence of the city council to a member thereof who was absent on the first Monday in January or who shall be subsequently elected. A certificate that the oath of office has been administered as aforesaid shall be entered in the journal of the city council.

[FORM ONE of Article 12, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Organization of
city council.
Form 1.

ARTICLE 12. Directly after the oaths of office have been administered, each branch of the city council shall meet and organize by the election by ballot of a president, and no other business shall be in order until a president has been chosen. The eldest senior member present shall preside until a president has been chosen. The two branches shall by concurrent vote elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of aldermen may elect a temporary clerk, who shall act as clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the board of aldermen, by the president of the board, or by a justice of the peace. The common council shall elect its own clerk, who shall be sworn to the faithful discharge of his duties in the presence of the council, by the president, or by a justice of the peace. Each clerk shall attend the sessions of the branch for which he is elected and shall keep a record of its proceedings, and shall perform such further service as such branch may require. The president of the board of aldermen may be removed from office by the affirmative votes of two thirds of all the members of the said board. The city clerk may be removed by the affirmative votes of two thirds of all the members of each branch of the city council. The president and clerk of the common council may each be removed by the affirmative votes of two thirds of all the members of the common council. In case of the tempo-

rary absence or disability of the city clerk, the mayor may, with the consent of the board of aldermen, appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by concurrent vote of the two branches. The two branches may likewise by ordinance provide for the election by concurrent vote of a city messenger.

[FORM TWO of Article 12, to apply if the City Council is to be a Single Body:—]

ARTICLE 12. Directly after the oaths of office have been administered, the city council shall meet and organize by the election by ballot of a president. The eldest senior member present shall preside, and no other business shall be in order until a president has been chosen. The city council shall likewise elect by ballot a city clerk, who shall hold office for the municipal year and until his successor is elected and qualified. The city clerk shall be sworn to the faithful discharge of his duties in the presence of the city council, by the president, or by a justice of the peace. The city clerk shall also be the clerk of the city council, shall attend its sessions and shall keep a record of its proceedings, and shall perform such further service as the city council may require. The president of the city council and the city clerk may each be removed from office by the affirmative votes of two thirds of all the members of the city council. In case of the temporary absence or disability of the city clerk, the city council may elect a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office, the same shall be filled by election of the city council. The city council may likewise by ordinance provide for the election of a city messenger.

Organization of
city council.
Form 2.

[FORM ONE of Article 13, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 13. Each branch of the city council shall be the judge of the election and qualifications of its own members, shall determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

Each branch to
be judge of
election of its
members, etc.

[FORM TWO of Article 13, to apply if the City Council is to be a Single Body:—]

ARTICLE 13. The city council shall be the judge of the election and qualifications of its own members, shall

City council to
be judge of
election of its
members, etc.

determine the rules for its own proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its own business.

[FORM ONE of Article 14, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Special meet-
ings. Form 1.

ARTICLE 14. The mayor may at any time call a special meeting of the city council, or of either branch thereof, by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no other business shall be transacted at such special meeting.

[FORM TWO of Article 14, to apply if the City Council is to be a Single Body:—]

Special meet-
ings. Form 2.

ARTICLE 14. The mayor may at any time call a special meeting of the city council, by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no other business shall be transacted at such special meeting.

[FORM ONE of Article 15, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Quorum.
Form 1.

ARTICLE 15. In each branch of the city council a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The two branches shall sit separately for the transaction of all business, and, subsequent to the day of organization, they shall not both act on the same day upon a matter involving the appropriation or expenditure of money.

[FORM TWO of Article 15, to apply if the City Council is to be a Single Body:—]

Quorum.
Form 2.

ARTICLE 15. A majority of the whole number of the members of the city council provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Salary of mayor.

ARTICLE 16. The city council shall by ordinance determine the salary of the mayor, and may in like manner change such salary from time to time, but no ordinance changing the salary shall take effect until the municipal year succeeding that in which the ordinance is passed.

[FORM ONE of Article 17, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 17. The city council may by ordinance provide for the payment of salaries to the members of either branch of the city council, but no ordinance establishing a salary, or increasing a salary already established, shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salaries of city council.
Form 1.

[FORM TWO of Article 17, to apply if the City Council is to be a Single Body:—]

ARTICLE 17. The city council may by ordinance provide for the payment of salaries to its members, but no ordinance establishing a salary, or increasing a salary already established, shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salaries of city council.
Form 2.

[FORM ONE of Article 18, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 18. All votes of the city council making appropriations or loans of money shall be in itemized form, and when brought before the city council, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed, except by the affirmative votes of two thirds of the members of each branch present and voting thereon.

Appropriations and loans.
Form 1.

[FORM TWO of Article 18, to apply if the City Council is to be a Single Body:—]

ARTICLE 18. All votes of the city council making appropriations or loans of money shall be in itemized form, and when brought before the city council, on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed, except by the affirmative votes of two thirds of the members present and voting thereon.

Appropriations and loans.
Form 2.

[FORM ONE of Article 19, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 19. Either branch of the city council may, by special vote, hold private sittings for the consideration of candidates for election, and the board of aldermen may likewise hold private sittings for the consideration of nominations by the mayor, but all other sittings shall be public, and all votes on election and on confirmation of appointments by the mayor shall be taken in public.

Private sittings of city council.
Form 1.

[FORM TWO of Article 19, to apply if the City Council is to be a Single Body:—]

Private sittings
of city council.
Form 2.

ARTICLE 19. The city council may, by special vote, hold private sittings for the consideration of candidates for election, but all other sittings shall be public, and all votes on election shall be taken in public.

[FORM ONE of Article 20, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Members of city
council not to
hold other
office, etc.
Form 1.

ARTICLE 20. No member of the city council shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the city council or before either branch or any committee thereof.

[FORM TWO of Article 20, to apply if the City Council is to be a Single Body:—]

Members of city
council not to
hold other
office, etc.
Form 2.

ARTICLE 20. No member of the city council shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the city council or before any committee thereof.

[FORM ONE of Article 21, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Employment
of labor, etc.
Form 1.

ARTICLE 21. Neither the city council nor either branch thereof, nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council or of either branch thereof.

[FORM TWO of Article 21, to apply if the City Council is to be a Single Body:—]

Employment
of labor, etc.
Form 2.

ARTICLE 21. Neither the city council nor any committee or member thereof, shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair

of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the city council.

ARTICLE 22. The city council shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made and established shall be forthwith published in one or more newspapers designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

City ordinances,
penalties, etc.

[FORM ONE of Article 23, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 23. The city council shall, subject always to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of, and the making of specific repairs in, all streets and ways and all highways within the limits of the city; to assess the damages sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing, but in all such matters action shall first be taken by the board of aldermen. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

Streets, high-
ways, etc.
Form 1.

[FORM TWO of Article 23, to apply if the City Council is to be a Single Body:—]

ARTICLE 23. The city council shall, subject always to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of, and the making of specific repairs in, all streets and ways and all highways within the limits of the city; to assess damages sustained thereby by any person, and, except as herein otherwise provided, to act in matters relating to such laying out, locating anew, alter-

Streets, high-
ways, etc.
Form 2.

ing, discontinuing or repairing. Any person aggrieved by the action of the city council hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

[FORM ONE of Article 24, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Powers and
duties of city
council.
Form 1.

ARTICLE 24. Except as herein otherwise provided, the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils under the general laws of the Commonwealth, and be subject to the duties imposed on city councils; and the board of aldermen shall have and exercise all the powers, other than executive, given to selectmen of towns, and shall have all the powers and authority given to boards of aldermen of cities, and shall be subject to the duties imposed upon such boards.

[FORM TWO of Article 24, to apply if the City Council is to be a Single Body:—]

Powers and
duties of city
council.
Form 2.

ARTICLE 24. Except as herein otherwise provided, the city council shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and all the powers, other than executive, given to selectmen of towns, and shall have all the powers and authority given to city councils and boards of aldermen of cities under the general laws of the Commonwealth, and shall be subject to the duties imposed upon them.

TITLE IV. THE MAYOR.

[FORM ONE of Article 25, to apply if the Mayor is to be elected for two years:—]

Term of office
of mayor.
Form 1.

ARTICLE 25. The mayor shall be elected from the qualified voters of the city, and shall hold office for the two municipal years next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

[FORM TWO of Article 25, to apply if the Mayor is to be elected for one year:—]

Term of office
of mayor.
Form 2.

ARTICLE 25. The mayor shall be elected from the qualified voters of the city, and shall hold office for the municipal year next succeeding his election and until his successor is elected and qualified, except that when

elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified.

ARTICLE 26. The mayor shall be the chief executive officer of the city, and the executive powers of the city shall be vested in him and be exercised by him, either personally or through the several officers and boards in their respective departments under his general supervision and control.

Mayor to be chief executive, etc.

ARTICLE 27. The mayor shall communicate to the city council such information and shall recommend such measures as, in his judgment, the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced; and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city and the harmonious and concerted action of the different administrative and executive departments.

Powers and duties of mayor.

[FORM ONE of Article 28, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 28. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

Vacancy in office of mayor. Form 1.

[FORM TWO of Article 28, to apply if the City Council is to be a Single Body:—]

ARTICLE 28. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the city council shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless

Vacancy in office of mayor. Form 2.

such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

[FORM ONE of Article 29, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Mayor, appointment and removal by.
Form 1.

ARTICLE 29. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city, unless their election or appointment is herein otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when the appointment is transmitted to the board. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

[FORM TWO of Article 29, to apply if the City Council is to be a Single Body:—]

Mayor, appointment and removal by.
Form 2.

ARTICLE 29. The mayor shall appoint all the officers of the city, unless their election or appointment is herein otherwise provided for, and such power of appointment shall be absolute and not subject to confirmation. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

[FORM ONE of Article 30, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Official records.
Form 1.

ARTICLE 30. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties, he may, without the confirmation of the board of aldermen, appoint one or more clerks, whose number and compensation shall be fixed by the city council.

[FORM TWO of Article 30, to apply if the City Council is to be a Single Body:—]

ARTICLE 30. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties, he may appoint one or more clerks, whose number and compensation shall be fixed by the city council.

Official records.
Form 2.

ARTICLE 31. The mayor shall, as often as once in each month, call together for consultation upon the affairs of the city, the heads of departments, who shall whenever called upon furnish such information relative to their respective departments as he may request.

Mayor to consult heads of departments, etc.

ARTICLE 32. The mayor shall, in the month of January of each year, cause to be made to him by the heads of departments and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of the following February, and he shall, not later than the first week in February, transmit such estimates to the city council, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Estimates.

ARTICLE 33. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Expenditures not to be made or liabilities incurred without an appropriation therefor.

ARTICLE 34. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property, to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Annual statements.

TITLE V. ADMINISTRATIVE OFFICERS.

ARTICLE 35. There shall be the following administrative officers, who shall perform the duties by law pre-

Administrative officers.

Additional
boards.

Consolidation
of boards, etc.

Terms of
office.

scribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the city council may prescribe : — 1. A city treasurer. 2. A city collector. 3. A city auditor. 4. A city solicitor. 5. A board of assessors, consisting of three persons. 6. A board of overseers of the poor, consisting of three persons. 7. A board of health, consisting of three persons. 8. A street commissioner, who shall have the powers of a surveyor of highways ; — but, instead thereof, the city council may confer such powers upon a board of street commissioners or a board of public works. The city council may from time to time, subject to the provisions of these articles and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other offices, for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public library and a public hospital, and for other municipal purposes ; may determine the number and duties of the incumbents of such boards and offices, and, for such purposes, may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting either of the boards above-specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established as above provided, and may abolish an office or board so hereafter established. It shall be the duty of the mayor to appoint all the officers above-specified, and, unless otherwise provided, all those for whom provision shall hereafter be made as above, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March and shall continue for one year, or for such other period as the city council shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall be first appointed hereunder shall begin respectively upon their appointment and qualification. Every admin-

istrative officer shall, unless sooner removed, hold office until his successor is appointed and qualified.

ARTICLE 36. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the mayor; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Certificates of oaths to be kept on record.

ARTICLE 37. The city council may require the city treasurer, the city collector, the city auditor, and such other officers, whose appointment is provided for in the preceding articles, as are intrusted with the receipt, care or disbursement of money, to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Treasurer, collector, etc., to give bonds.

ARTICLE 38. The administrative boards and officers above-specified in this title, and every administrative board and officer hereafter established by the city council under the provisions of this title, and having the charge of a department, shall have the power, except as herein otherwise provided, to appoint and employ and to discharge and remove all subordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to inspection, of all so appointed and employed, and of all discharged and removed, and, in case of discharge and removal, of the grounds therefor.

Boards and officers, powers, etc.

ARTICLE 39. The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties, to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, require the signature of the mayor, and, except as herein otherwise provided or by law required, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

May employ labor, make contracts, etc.

Police department.

ARTICLE 40. The city council may establish a police department, and provide for the appointment of a chief of police and of other members of the police force by the mayor, or by a police board, or for the appointment of other members of the force by a chief of police to be appointed by the mayor.

Fire department.

ARTICLE 41. The city council may establish a fire department, and provide for the appointment of a chief engineer and of other members of the department by the mayor, or by a fire board, or for the appointment of other members of the department by a chief engineer to be appointed by the mayor.

[FORM ONE of Article 42, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

Administrative boards, etc., to give information to city council.
Form 1.

ARTICLE 42. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of either branch of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

[FORM TWO of Article 42, to apply if the City Council is to be a Single Body:—]

Administrative boards, etc., to give information to city council.
Form 2.

ARTICLE 42. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

City council to establish salaries.

ARTICLE 43. The city council shall establish by ordinance the salary or compensation of every administrative officer, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

TITLE VI. SCHOOL COMMITTEE.

School committee.

ARTICLE 44. The management and control of the schools of the city shall be vested in a school committee,

consisting of members at large and members from wards. At the first municipal election held under these articles three members at large of the school committee, who shall be inhabitants of the city, shall be elected by the qualified voters of the entire city, one to serve for the term of three years, one for the term of two years and one for the term of one year, beginning with the first Monday in the January then next ensuing; and thereafter one member at large of the school committee shall be elected in like manner at each annual municipal election, to serve for the term of three years, beginning with the first Monday in the January next ensuing, in place of the member at large whose term then expires. At the first election so held, six members from wards, of the school committee, one being an inhabitant of each ward, shall be elected by the qualified voters of the entire city. Two of such members shall serve for terms of three years, two for terms of two years and two for terms of one year, beginning with the first Monday in the January next ensuing; and their respective terms shall be assigned to them by lot, directly after their election, by the selectmen of the town. At each subsequent annual municipal election the qualified voters of the city shall elect two members from wards, of the school committee, inhabitants of the same wards from which the members whose terms of office then expire were elected, to serve for terms of three years as aforesaid. If however in any year there shall be a new division of the city into wards, the terms of office of all the members of the school committee from wards shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year members from wards, as many in number as there are new wards, and one being an inhabitant of each ward, shall be elected by the qualified voters of the city; and the mayor shall by lot make such arrangement of the terms of the respective members from wards, of the school committee, that the terms of one third of the members of the school committee, as near as may be, shall expire each year.

[FORM ONE of Article 45, to apply if the City Council is to be composed of a Board of Aldermen and a Common Council:—]

ARTICLE 45. In case of a vacancy in the office of a member of the school committee, the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the president of the board of alder-

Vacancies in
school com-
mittee.
Form 1.

men shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

[FORM TWO of Article 45, to apply if the City Council is to be a Single Body:—]

Vacancies in
school com-
mittee.
Form 2.

ARTICLE 45. In case of a vacancy in the office of a member of the school committee, the mayor shall call a joint convention of the city council and of the school committee, at which the president of the city council shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in the same manner as the member whose office is vacant was elected.

Meeting of
school com-
mittee to elect
chairman, etc.

ARTICLE 46. The school committee shall meet on the first Monday in January in each year, and organize by the election by ballot of one of its members as chairman and by the election of a clerk. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Quorum.

Superintendent
of schools.

ARTICLE 47. The school committee may elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

Additional
powers of
school com-
mittee.

ARTICLE 48. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees, shall, subject to the approval of the mayor, have full power and authority

to select and purchase lands for school purposes, to determine the plans of all school buildings to be erected, to order all additions, alterations and repairs to school buildings, and to provide, when necessary, temporary accommodations for school purposes.

ARTICLE 49. The school committee shall, in the month of January in each year, submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary. Estimates for school expenses.

ARTICLE 50. Unless thereto required by law, the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year, and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year. Expenditure not to exceed regular appropriation, etc.

ARTICLE 51. All orders, resolutions and votes of the school committee, which involve the expenditure of money, shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had as are provided by law in relation to similar orders, resolutions and votes of a city council. Expenditures to be approved by mayor.

ARTICLE 52. The city council may determine that salaries shall be paid to the members of the school committee, may fix the amount thereof, and may change the same from time to time. Salaries.

ARTICLE 53. The removal of a member of the school committee from the ward for which he was elected, to another ward of the city, shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected. Removal from ward not to disqualify.

TITLE VII. MISCELLANEOUS PROVISIONS.

ARTICLE 54. The general laws relating to the municipal indebtedness of cities, the general laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of Municipal indebtedness, veto power of the mayor, appointment to office.

men shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the same manner as the member whose office is vacant was elected.

[FORM TWO of Article 45, to apply if the City Council is to be a Single Body:—]

Vacancies in
school com-
mittee.
Form 2.

ARTICLE 45. In case of a vacancy in the office of a member of the school committee, the mayor shall call a joint convention of the city council and of the school committee, at which the president of the city council shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in the same manner as the member whose office is vacant was elected.

Meeting of
school com-
mittee to elect
chairman, etc.

ARTICLE 46. The school committee shall meet on the first Monday in January in each year, and organize by the election by ballot of one of its members as chairman and by the election of a clerk. The committee shall be the judge of the election and qualification of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Quorum.

Superintendent
of schools.

ARTICLE 47. The school committee may elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

Additional
powers of
school com-
mittee.

ARTICLE 48. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees, shall, subject to the approval of the mayor, have full power and authority

to select and purchase lands for school purposes, to determine the plans of all school buildings to be erected, to order all additions, alterations and repairs to school buildings, and to provide, when necessary, temporary accommodations for school purposes.

ARTICLE 49. The school committee shall, in the month of January in each year, submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the city council, and shall recommend such appropriations as he shall deem necessary. Estimates for school expenses.

ARTICLE 50. Unless thereto required by law, the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the city council, except that after the expiration of the financial year, and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year. Expenditure not to exceed regular appropriation, etc.

ARTICLE 51. All orders, resolutions and votes of the school committee, which involve the expenditure of money, shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had as are provided by law in relation to similar orders, resolutions and votes of a city council. Expenditures to be approved by mayor.

ARTICLE 52. The city council may determine that salaries shall be paid to the members of the school committee, may fix the amount thereof, and may change the same from time to time. Salaries.

ARTICLE 53. The removal of a member of the school committee from the ward for which he was elected, to another ward of the city, shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected. Removal from ward not to disqualify.

TITLE VII. MISCELLANEOUS PROVISIONS.

ARTICLE 54. The general laws relating to the municipal indebtedness of cities, the general laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of Municipal indebtedness, veto power of the mayor, appointment to office.

chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the Commonwealth and the cities thereof, and all acts in amendment thereto, shall have full force, application and effect in said city.

Town officers
to continue in
office until new
organization.

ARTICLE 55. All persons holding office in said town at the time when these articles take effect and become of force therein, as herein provided, shall continue to hold such offices until the organization of the city government hereby authorized shall be effected, and until their respective successors shall be chosen and qualified.

Suits, prosecu-
tions, etc.

ARTICLE 56. No suits, prosecutions or other legal proceedings in which said town is a party, pending at the time when these articles take effect in said town, and no rights then already accrued or penalties or forfeitures incurred under any such proceedings, shall be affected or impaired by the taking effect of these articles, and all by-laws of said town shall continue in force until repealed or superseded by ordinance.

Trust funds.

ARTICLE 57. Trust funds given to or held by said town shall continue to be held and administered by the city council of the city, and trust funds given to or held by the selectmen or other designated officers of the town shall continue to be held and administered by the mayor or by other officers of the said city having powers corresponding to those of the officers who formerly held and administered such funds.

Wards.

ARTICLE 58. Upon the taking effect of these articles, as herein provided, the selectmen of said town shall forthwith divide the territory of the town into six wards, so that the wards shall contain, as nearly as may be consistent with well defined limits to each, equal numbers of voters, and they shall designate the wards by numbers.

Municipal elec-
tion, polling
places, etc.

They shall, for the purpose of the first municipal election to be held hereunder, which shall take place on the second Tuesday in the December next succeeding such taking effect, provide suitable polling places in the several wards, and shall give notice thereof, and shall, at least ten days previous to such second Tuesday in December, appoint all proper election officers for such election; and they shall in general have the powers and perform the duties of the mayor and the board of aldermen of cities under the general laws relating to elections in cities, the provisions of which shall, so far as applicable, apply to

such election ; and the town clerk shall perform the duties therein assigned to a city clerk. The registrars of voters shall cause to be prepared and published, according to law, lists of the qualified voters in each of the wards established by the selectmen. List of voters to be published.

ARTICLE 59. The selectmen shall notify of their election the persons elected at the first election under these articles, and shall provide and appoint a place for the first assembling of the mayor and city council, and for the meeting of the city council on the first Monday in the January next ensuing ; and shall by written notices left at their respective places of residence, at least twenty-four hours prior to such assembling, notify thereof the mayor elect and the members elect of the city council, who shall proceed to organize and carry into effect the provisions of these articles, which shall then have full force and effect. The selectmen shall, in like manner, provide and appoint a place and hour for the first meeting of the school committee on the day aforesaid, and shall notify the members elect thereof. Nothing herein shall affect the annual meeting in said town which may be held next after the taking effect of these articles for the election of national, state, district and county officers. Notification of election. Place and hour for meeting of school committee.

Approved June 15, 1892.

AN ACT RELATING TO PENSIONING MEMBERS OF THE POLICE DEPARTMENT OF CITIES CONTAINING NOT LESS THAN SEVENTY-FIVE THOUSAND INHABITANTS. *Chap. 378*

Be it enacted, etc., as follows :

SECTION 1. The board of mayor and aldermen of any city, except the city of Boston, containing not less than seventy-five thousand inhabitants by the last state or national census, may retire from active service and place upon a pension roll : — First. Any member of the police department of such city who has arrived at the age of sixty-five years and who has performed faithful service in said department for a period not less than fifteen years. Second. Any member of said department who shall be certified to said board in writing by the city physician of such city as being permanently incapacitated, either mentally or physically, by injuries sustained through no fault of his in the actual performance of duty, from further performing duty as such member. Third. Any member of said department who has performed faithful Pensioning members of police department.

service therein for a period not less than twenty years, if, in the judgment of said board, said member is incapacitated for useful service in said department.

Amount of
annual pension.

SECTION 2. The amount of the annual pension allowed to any person retired under the provisions of this act shall not exceed one half of the annual compensation received by him at the time of such retirement, in case such person is retired on account of injuries received, and shall not exceed one third of such compensation in case such person is retired on account of age or service, the same to be paid by the city.

Appropriations
for payments of
pensions.

SECTION 3. Cities within the provisions of this act are hereby authorized to appropriate money to provide for the payment of the pensions authorized by this act.

To be accepted
by city council.

SECTION 4. This act shall take effect upon its acceptance by the city council of any city coming within its provisions.

Approved June 15, 1892.

Chap.379

AN ACT TO AMEND AN ACT IMPOSING A TAX ON COLLATERAL LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows:

1891, 425, § 12,
amended.

SECTION 1. Section twelve of chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one is hereby amended in the sixth line thereof, by striking out the word "by", and substituting therefor the word: — to, — and by striking out the word "to", and substituting therefor the word: — by, — so as to read as follows: — *Section 12.* Whenever, for any reason, the devisee, legatee or heir, who has paid any such tax, afterwards refunds any portion of the property on which it was paid, or it is judicially determined that the whole or any part of such tax ought not to have been paid, said tax, or the due proportional part of said tax, shall be paid back to him by the executor, administrator or trustee.

Tax to be
refunded, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1892.

Chap.380

AN ACT TO ESTABLISH THE SALARY OF THE REPORTER OF DECISIONS OF THE SUPREME JUDICIAL COURT, AND TO PROVIDE CLERK HIRE AND INCIDENTAL EXPENSES.

Be it enacted, etc., as follows:

Salary, clerk
hire and inci-
dental expenses.

SECTION 1. The reporter of decisions of the supreme judicial court shall receive from the treasury of the Commonwealth a salary of four thousand dollars a year, in

equal monthly instalments, and in the same proportion for any part of a year, and an additional sum of two thousand dollars a year for clerk hire and for the incidental expenses of his office, which sums shall be in full compensation for his services and for such clerk hire and incidental expenses. All sums of money received by said reporter for copies of opinions, rescripts and other papers, shall be paid by him, quarterly, into the treasury of the Commonwealth, with a detailed statement of the same.

Fees received to be paid into the treasury.

SECTION 2. Section four of chapter four hundred and seventy-one of the acts of the year eighteen hundred and eighty-nine is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1892.

AN ACT TO AUTHORIZE THE TOWN OF BRIDGEWATER TO LAY OUT
A HIGHWAY OVER A PORTION OF THE LAND OF THE BRIDGEWATER
NORMAL SCHOOL.

Chap.381

Be it enacted, etc., as follows:

SECTION 1. The town of Bridgewater may lay out and construct a town way or highway along the westerly side of the lands of the state normal school in said town, and the Commonwealth hereby relinquishes to said town of Bridgewater, for said purpose, the right of way over a strip of land fifteen feet wide and one hundred and fifty feet in length on the westerly side of Normal Grove, so-called, and over a strip of land fifteen feet in width and three hundred and twenty feet in length on the westerly side of the lot of land used for sewage purposes, notwithstanding the provisions of section fifteen of chapter fifty-four of the Public Statutes.

Highway may be constructed over land of the Bridgewater normal school.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1892.

AN ACT RELATING TO THE DUTIES AND COMPENSATION OF EXPERT
ASSISTANTS APPOINTED BY THE STATE BOARD OF ARBITRATION
AND CONCILIATION.

Chap.382

Be it enacted, etc., as follows:

SECTION 1. In all controversies between an employer and his employees in which application is made to the state board of arbitration and conciliation, as provided by section four of chapter two hundred and sixty-three of the acts of the year eighteen hundred and eighty-six as

Expert assistants to be appointed.

Powers and
duties.

amended by section three of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, and by section one of chapter three hundred and eighty-five of the acts of the year eighteen hundred and ninety, said board shall appoint a fit person to act in the case as expert assistant to the board. Said expert assistants shall attend the sessions of said board when required, and no conclusion shall be announced as a decision of said board, in any case where such assistants have acted, until after notice given to them, by mail or otherwise, appointing a time and place for a final conference between said board and expert assistant on the matters included in the proposed decision. Said expert assistants shall be privileged to submit to the board, at any time before a final decision shall be determined upon and published, any facts, advice, arguments or suggestions which they may deem applicable to the case. They shall be sworn to the faithful discharge of their duties by any member of said board, and a record thereof shall be preserved with the record of the proceedings in the case.

Compensation.

They shall be entitled to receive for their services from the treasury of the Commonwealth the sum of seven dollars for each day of actual service, together with all their necessary travelling expenses.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1892.

Chap. 383 AN ACT TO AUTHORIZE THE CENTRAL MASSACHUSETTS RAILROAD COMPANY TO ISSUE BONDS.

Be it enacted, etc., as follows:

Bonds may be
issued not to
exceed \$500,000.

SECTION 1. The Central Massachusetts Railroad Company, for the purpose of paying for permanent additions and improvements upon its railroad and its furniture and equipment, made pursuant to its lease to the Boston and Lowell Railroad Corporation, dated the seventh day of December in the year eighteen hundred and eighty-six, is hereby authorized, subject to the provisions of chapter one hundred and twelve of the Public Statutes and of any acts in amendment thereof, to issue bonds to an amount not exceeding at the par value thereof the sum of five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1892.

AN ACT TO AUTHORIZE THE CITY OF CHICOPEE TO INTRODUCE A *Chap. 384*
PUBLIC WATER SUPPLY.

Be it enacted, etc., as follows:

SECTION 1. The city of Chicopee, for the purpose of supplying the said city and the inhabitants thereof with pure water for the extinguishment of fires, for domestic and other purposes, after the purchase of the franchise, corporate property, rights and privileges of the Chicopee Water Company, as provided in section eight of chapter one hundred and three of the acts of the year eighteen hundred and seventy-seven, may take, hold and convey into and through said city, the waters of Fuller brook, Cooley brook, Morton brook and Schoolhouse brook, so-called, and any tributaries of any of said brooks; and may also take and hold by purchase or otherwise any land, rights of way, easements and real estate necessary for laying, constructing and maintaining pipes, aqueducts, water courses, reservoirs, storage basins, dams, filter galleries and such other works as may be deemed necessary for collecting, purifying, storing, retaining, discharging, conducting and distributing said waters, or for preserving the purity of said waters: *provided, however,* that any lands taken for preserving said waters or water supply shall not be more than one thousand feet distant from the same.

Town of Chicopee may supply itself with water.

May take the waters of certain brooks.

Proviso.

SECTION 2. Said city shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county of Hampden a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, which statement shall be signed by the mayor.

Description of lands taken, etc., to be recorded in registry of deeds.

SECTION 3. Said city, for the purposes aforesaid, may construct aqueducts and maintain the same; may construct and maintain dams, reservoirs, storage basins, filter galleries and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water and establish the rates to be paid therefor, and collect the same by process of law.

May construct and maintain dams.

Said city may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water course, street, railroad, public way, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct, and may do any other thing necessary and proper in executing the purposes of this act.

Liability for damages.

SECTION 4. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of or injury to any of their land, water, water rights, rights of way, easements or property, or by the constructing or repairing of any aqueduct, reservoir or other works for the purposes aforesaid. If any person sustaining damages as aforesaid does not agree with said city upon the amount of said damages, he may, within two years from such taking and not afterwards, apply by petition for an assessment of the damages to the superior court in the county of Hampden. Such petition may be filed in the clerk's office of said court in vacation or at any sitting, and the clerk shall thereupon issue a summons to the said city, returnable, if issued in vacation, at the next sitting of the court to be held after the expiration of fourteen days from the filing of the petition, and if at any sitting, returnable on such day as the court shall order, to appear and answer to the petition. The summons shall be served fourteen days at least before the sitting or day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing given to said city, appoint three disinterested persons, who shall after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Filing of petition for damages.

Dissatisfaction with damages awarded.

SECTION 5. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damages awarded as therein expressed, such party may, at the sitting at which such award was accepted or the next

sitting thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of the jury, being accepted and recorded by the court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

SECTION 6. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said city, under the authority of this act.

No application for damages to be made until water is taken.

SECTION 7. In every case of a petition to the superior court for an assessment of damages, as provided in this act, the city may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the complainant does not accept such sum with his costs up to that time, but proceeds in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court or offer of award, and not afterwards, unless the complainant recovers greater damages than were so offered.

Petition for an assessment.

Costs, etc.

SECTION 8. For the purpose of defraying the cost of such property, land, easements, water and water rights as may be purchased, taken or held for the purposes aforesaid, and of constructing the works authorized by this act and paying all expenses incident thereto, the city of Chicopee shall have the authority to issue notes, scrip or bonds to be denominated on the face thereof, Chicopee Public Water Supply Loan, to an amount not exceeding three hundred thousand dollars, bearing interest not exceeding five per centum per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such notes, scrip or bonds respectively. Said city may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be paid, sold or pledged for less than the par value thereof.

City of Chicopee may issue notes, bonds, etc., not to exceed \$300,000.

Interest, sinking fund, etc.

Said city shall pay the interest as it accrues on said loan, and shall establish a sinking fund and shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said principal and shall be used for no other purpose. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said sinking fund.

Annual proportionate payments.

SECTION 9. The said city of Chicopee, instead of establishing a sinking fund, may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when such vote has been passed by the city council and approved by the mayor of said city, the amount required thereby shall without further vote be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Board of commissioners to be appointed.

SECTION 10. A board consisting of three commissioners, who shall be citizens of said city, shall be appointed by the mayor as soon as practicable after this act shall have been accepted by the citizens of said city, as hereinafter provided; they shall hold their offices respectively until the expiration of one, two and three years from the first Monday of February next preceding their appointment and until their respective successors have been appointed and qualified, unless they shall sooner resign or be removed for cause, as hereinafter provided; and thereafter in January in each succeeding municipal year one person shall be so appointed a member of said board, who shall hold office for three years from the first Monday of the February next ensuing and until his successor has been appointed and qualified, unless his duties are sooner terminated, as hereinafter provided. Appointments to fill vacancies which may occur by death, resignation or otherwise shall be made without delay by the mayor; and he may remove any water commissioner from office for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal. Such office shall become and be vacant upon the filing with the city clerk of such order of removal

Vacancies.

and the service of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence. The city clerk shall keep such order of removal on file for public inspection. Said commissioners shall have such office room and clerical assistance, and shall receive such compensation, as the city council from time to time may determine.

SECTION 11. The said commissioners shall superintend and direct the construction, execution and performance of all the works, matters and things mentioned in the preceding sections. They shall be subject to such ordinances, rules and regulations in the execution of such duties as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth. They shall make all contracts for the above purposes in the name and behalf of the city, but no contract shall be made by them which involves the expenditure of money not already appropriated for the purpose by the city council of said Chicopee. A majority of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the commission.

Powers, duties,
etc., of com-
missioners.

Quorum.

SECTION 12. The owner of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, to be collected in an action of contract in the name of the city of Chicopee.

Use of water.

SECTION 13. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year in the house of correction.

Corruption of
water, etc.

Penalty.

SECTION 14. This act shall be submitted to the qualified voters of the city of Chicopee for its acceptance, and shall be void unless such voters, voting in their respective wards or precincts at a legal meeting called by order of the city council in the same manner as meetings for munic-

To be sub-
mitted to the
qualified voters.

ipal elections are called, shall within three years from the passage of this act determine by ballot, by a two thirds vote of those present and voting, to accept the same.

When to take effect.

SECTION 15. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city shall take effect upon its passage, but it shall not take further effect unless and until accepted, as hereinbefore provided, by the qualified voters of said city, and the number of meetings called for the purpose of its acceptance shall not exceed three in any one year.

Approved June 15, 1892.

Chap. 385 AN ACT MAKING APPROPRIATIONS FOR ADDITIONAL CELL ROOM FOR THE MASSACHUSETTS REFORMATORY AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of providing additional cell room at the Massachusetts reformatory, and for certain other expenses authorized by law, to wit : —

Maintenance of insane. The reimbursement of expenses incurred by certain towns in the maintenance of the insane, as provided for in chapter two hundred and forty-three of the acts of the present year, shall be paid from the appropriation for the support of state lunatic paupers.

Identification of criminals. For expenses in connection with the identification of criminals, a sum not exceeding two hundred dollars, as authorized by chapter three hundred and thirteen of the acts of the present year.

Department of outdoor poor. For salaries and expenses in the department of outdoor poor, made necessary to carry out the provisions of the act to provide for the licensing and regulating of boarding houses for infants, being chapter three hundred and eighteen of the acts of the present year, a sum not exceeding one thousand dollars, the same to be in addition to the twenty thousand dollars appropriated by chapter fourteen of the acts of the present year.

Salary district attorney, southern district. For the salary of the district attorney for the southern district, a sum not exceeding two hundred and fifty dollars, as authorized by chapter three hundred and nineteen of the acts of the present year, being in addition to the

eighteen hundred dollars appropriated by chapter two of the acts of the present year.

For the salary and travelling expenses of the chief justice of the superior court, the sum of five hundred dollars, as authorized by chapter three hundred and twenty-eight of the acts of the present year, being in addition to the six thousand dollars appropriated by chapter two of the acts of the present year.

Chief justice
of superior
court.

For the salaries and travelling expenses of the fifteen associate justices of the superior court, a sum not exceeding seventy-one hundred dollars, as authorized by chapter three hundred and twenty-eight of the acts of the present year, being in addition to the seventy-one thousand and five hundred dollars appropriated by chapter two of the acts of the present year.

Associate
justices of
superior court.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, a sum not exceeding ten thousand dollars, being in addition to the one hundred and sixty thousand dollars appropriated by chapter fourteen of the acts of the present year.

State lunatic
asylums, etc.

For the transportation of state paupers, a sum not exceeding two thousand dollars, being in addition to the sixteen thousand dollars appropriated by chapter fourteen of the acts of the present year.

Transportation
of state paupers.

For such expenses as the treasurer and receiver general may find necessary to carry out the provisions of chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-one, being an act imposing a tax on collateral legacies and successions, a sum not exceeding five hundred dollars.

Treasurer and
receiver gen-
eral.

For the salary of the commissioner of public records, the sum of fourteen hundred and fifty-eight dollars and thirty-four cents, and for travelling, clerical and other expenses necessary in the performance of his duties, a sum not exceeding twenty-five hundred dollars, as authorized by chapter three hundred and thirty-three of the acts of the present year, being in addition to appropriations made the present year for the salary and expenses of the commissioner of public records of parishes, towns and counties.

Commissioner
of public
records.

For expenses in connection with an examination by the board of commissioners of savings banks of the laws relating to banks and banking, a sum not exceeding five

Expenses of
commissioners
of savings
banks.

hundred dollars, as authorized by chapter seventy-two of the resolves of the present year.

Manual training
and industrial
education.

For a continuation of the investigation into the subject of manual training and industrial education, the sum of one thousand dollars, as authorized by chapter seventy-three of the resolves of the present year.

Battle monu-
ment, Trenton,
New Jersey.

For providing for an appropriate representation of the soldiers of the Massachusetts continental line, on the battle monument now being erected at Trenton, in the state of New Jersey, the sum of twenty-five hundred dollars, as authorized by chapter seventy-four of the resolves of the present year.

Library at
Massachusetts
reformatory.

For the purchase of books for the library at the Massachusetts reformatory, a sum not exceeding five hundred dollars, as authorized by chapter seventy-six of the resolves of the present year.

Cell room,
Massachusetts
reformatory.

For providing additional cell room at the Massachusetts reformatory, a sum not exceeding seventy-five thousand dollars, as authorized by chapter seventy-eight of the resolves of the present year.

World's Colum-
bian exposition.

For a proper representation at the opening ceremonies of the world's Columbian exposition to be held in Chicago, in the state of Illinois, a sum not exceeding twelve thousand dollars, as authorized by chapter seventy-nine of the resolves of the present year.

Stillman W.
Edgell.

For the payment of expenses in connection with the disappearance and funeral of the late Stillman W. Edgell, a sum not exceeding six hundred dollars, as authorized by chapter eighty of the resolves of the present year.

Harry W.
Welch.

For Harry W. Welch of Cambridge, the sum of two hundred dollars, as authorized by chapter eighty-one of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1892.

Chap. 386 AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO ACQUIRE
AN ADDITIONAL WATER SUPPLY.

Be it enacted, etc., as follows:

Additional
water supply.

SECTION 1. The city of Marlborough, for the purpose of providing a further supply of water for the use of said city and its inhabitants, as authorized by section one of chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty and acts in amendment thereof and supplementary thereto, may from time to

time take and hold by purchase or otherwise, and convey to any and all parts of said city, the waters of Millham brook in said Marlborough, and the waters of any and all streams, springs and water sources within the watershed of said Millham brook and its tributaries and confluents, and all water rights connected therewith; and may take, hold and convey as aforesaid, the waters of Fort Meadow reservoir lying chiefly in said Marlborough and partly in the town of Hudson, and all rights of flowage appurtenant to the same, and the waters of any and all streams, springs and water sources within the watershed of said reservoir and its tributaries and the waters of any and all effluents of said reservoir, and all water rights connected with the same; and may take and hold as aforesaid any and all lands, property, rights of way and easements that may be necessary for holding, storing, conveying and distributing and preserving the purity of any and all said waters as aforesaid, and for effectually carrying out the objects of this act; and may erect on any lands so taken proper dams, reservoirs, storage basins, fixtures, structures, machinery and apparatus, may make such excavations and embankments and provide such other means as may be necessary or advisable for said purposes; and may construct and lay down such conduits, canals, pipes or other works, under, through or over any lands, water courses, railroads and public and private ways in said Marlborough as may be necessary or advisable for said purposes; and for all proper purposes of this act may dig up any such lands and any such public way in such manner as to cause the least hindrance to public travel.

May take water of Millham brook, etc.

Dams, machinery, etc.

SECTION 2. The city shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of said city.

Taking of lands, etc., to be recorded.

SECTION 3. The city shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said city under

Damages.

the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for the assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

Application for damages not to be made until water is withdrawn.

Specified sum may be awarded as damages.

SECTION 4. In every case of an application for the assessment of damages, or for an injury, the said city may offer in court and consent in writing that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date, and the complainant, if he recovers damages, shall be allowed his costs only to the date of the offer.

May borrow money, etc., not to exceed \$150,000.

SECTION 5. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money from time to time, and issue therefor negotiable bonds, notes and scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes or scrip shall be signed by the treasurer of said city and countersigned by the mayor and shall be denominated on the face thereof, Marlborough Water Loan, Act of 1892, shall be payable at the expiration of periods not exceeding thirty years from the date of issue and bear such rate of interest not exceeding six per cent. as the city council of said city may determine. The said city may sell such securities at public or private sale, or pledge the same for not less than the par value thereof, for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and said city

Marlborough Water Loan.

shall annually raise by taxation the amount required to meet such interest and the proportion of the principal payable annually. The sinking funds of any loan of said city may be invested in said bonds, notes or scrip. Sinking fund.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property, owned, held or used by said city under the authority and for the purposes of this act, or burns or destroys any trees, wood or timber standing or being upon land taken or held under the authority of this act, shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year. Willful corruption of water, injury to property, etc. Penalty.

SECTION 7. The water commissioners of the city of Marlborough, shall have and exercise, in relation to the further water supply authorized by the provisions of this act, similar rights and powers to those vested in said water commissioners by the provisions of section twenty-nine of chapter three hundred and twenty of the acts of the year eighteen hundred and ninety. Powers of water commissioners.

SECTION 8. The provisions of chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty and acts in amendment thereof and supplementary thereto, and of said section twenty-nine, so far as the same are not inconsistent with the provisions of this act and may be applicable thereto, shall apply to the water supply and all things appertaining thereto authorized by the provisions of this act. Provisions applicable.

SECTION 9. This act shall take effect upon its passage.

Approved June 15, 1892.

AN ACT TO AUTHORIZE THE TOWN OF WHITMAN TO PURCHASE LAND AND WATER RIGHTS IN THE TOWN OF EAST BRIDGEWATER FOR AN ELECTRIC LIGHT PLANT AND TO FURNISH ELECTRIC LIGHT TO THE LAST NAMED TOWN. *Chap. 387*

Be it enacted, etc., as follows:

SECTION 1. The town of Whitman is authorized to acquire by purchase the water privilege in the town of East Bridgewater known as the Rogers and Sheldon water privilege, and such land adjacent thereto as may be necessary for the construction, establishment and maintenance Town may purchase land and water privilege.

of a suitable power station for operating an electric light plant; and said town of Whitman may construct, establish and maintain upon the land so taken an electric light plant: *provided*, said town of Whitman shall vote, as provided in section three of chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-one, that it is expedient to exercise the authority conferred in the first section of said act, and shall establish an electric light plant.

Proviso.

Electric light,
rates, etc.

Proviso.

SECTION 2. If the town of Whitman shall acquire by purchase the said land and water rights as herein provided, it shall furnish electric light to the inhabitants of the town of East Bridgewater at the same rates and subject to the same conditions that the same is furnished to the town of Whitman; and shall, when requested by the selectmen of East Bridgewater, furnish such light to said last named town at the actual cost of manufacturing and furnishing the same: *provided*, said town of East Bridgewater at its own expense shall erect, construct and maintain such poles and wires as may be necessary for its use of such light, and shall connect its wires with said electric light plant; and *provided, further*, that in case of any dispute between said towns in regard to the cost of manufacturing light, the same shall be referred to the board of gas and electric light commissioners, whose finding thereon shall be final.

May erect
poles, etc.

SECTION 3. Said town of Whitman may, subject to the direction and control provided by law, erect, construct and maintain in the public ways of East Bridgewater such poles as may be necessary to maintain and carry the wires from said station into its own territory in the most direct available course.

SECTION 4. This act shall take effect upon its passage.

Approved June 15, 1892.

Chap. 388 AN ACT RELATING TO OBSTRUCTIONS IN BUILDINGS RESORTED TO FOR THE PURPOSE OF UNLAWFUL GAMING.

Be it enacted, etc., as follows:

Obstructions in
buildings used
for unlawful
gaming.

SECTION 1. When any captain of police in the city of Boston, or marshal or chief of police in any other city or town in the Commonwealth, finds that access to any building, apartment or place which he has reasonable cause to believe is resorted to for the purpose of unlawful gaming, is barred by any obstruction other than what is usual

in ordinary places of business, such as a door, window, shutter; screen, bar or grating of unusual strength, or any unnecessary number of doors, windows, shutters, screens, bars or gratings or other obstructions, he shall order the same to be removed by the owner or agent of the building in which such obstruction exists, and in case such captain of police or marshal or chief of police cannot find either of the persons mentioned, so as to make personal service, said notice shall be posted upon the outside of the apartments and on the outside of said building, and in case of the neglect to remove such obstruction for the space of seven days from the date of said order or posting of said notices, then the captain of police, marshal or chief of police shall cause such obstruction to be removed from such building, and the expense of such removal shall be a lien on said building and be collected by the captain of police or marshal or chief of police removing such obstruction, in the same way as a mechanic's lien is now collected. If at any time within one year after removal of said obstruction the premises are again obstructed as above defined, the captain of police or marshal or chief of police shall have the same power of removal as above provided, and furthermore the owner or agent at the time such second order of removal is given, either by personal service or by posting on the building, shall be liable to a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, and the amount of said fine shall be a lien upon said building and be collected by the captain of police, marshal or chief of police in the same way as a mechanic's lien is now collected. And for every subsequent obstruction as above defined, at any time within two years of the giving of the second notice as above provided, the captain of police, marshal or chief of police shall have the same powers as above provided of removing the obstructions, and the owner or agent at the time such third or subsequent order of removal is given, either by personal service or by posting on the building, shall be liable to a fine of not less than five hundred dollars nor more than one thousand dollars, or may be punished by imprisonment for one year in the house of correction, and the amount of said fine of not less than five hundred dollars nor more than one thousand dollars shall be a lien upon the said building and shall be collected by the captain of police or mar-

Removal.

Notice.

Expense of removal.

Penalty.

Offence construed.

shal or chief of police in the same way as a mechanic's lien is now collected. Obstructions as above defined which shall be erected more than two years after the giving of the notice of the third offence, as above provided, shall be construed to be a first offence under this section.

Repeal.

SECTION 2. Section one of chapter four hundred and forty-eight of the acts of the year eighteen hundred and eighty-seven is hereby repealed.

Approved June 15, 1892.

Chap.389

AN ACT TO REQUIRE RAILROAD CORPORATIONS TO PROVIDE MILEAGE TICKETS WHICH SHALL BE ACCEPTED FOR PASSAGE AND FARE UPON ALL RAILROAD LINES IN THIS COMMONWEALTH.

Be it enacted, etc., as follows :

Mileage tickets.

SECTION 1. Every railroad corporation operating within this Commonwealth shall provide and have on sale, for twenty dollars, mileage tickets representing one thousand miles, which shall be accepted and received for fare and passage upon all railroad lines in this Commonwealth, as well and under like conditions as upon the line or lines of the corporation issuing such ticket.

Redeemed on presentation.

SECTION 2. Such tickets or any part thereof shall be redeemed by each corporation issuing the same, upon presentation by any other railroad corporation.

Certain railroads exempted.

SECTION 3. On petition of any railroad corporation included within the provisions of this act, filed with the railroad commissioners, asking that it may be exempt, or that any other railroad be excluded from the provisions of this act, said commissioners may in their discretion exempt or exclude such railroad from the provisions of this act, if in their judgment the public welfare or the financial condition of the road require or demand it.

SECTION 4. This act shall take effect on the first day of October in the year eighteen hundred and ninety-two.

Approved June 15, 1892.

Chap.390

AN ACT TO AUTHORIZE SELECTMEN OF TOWNS TO ADOPT RULES AND ORDERS FOR THE REGULATION AND CONTROL OF ITINERANT MUSICIANS, AND PERSONS COASTING IN THE STREETS.

Be it enacted, etc., as follows :

53, § 16, P. S., amended.

Section sixteen of chapter fifty-three of the Public Statutes is hereby amended by inserting after the word "city", in the first line thereof, the words:—and the

selectmen of a town,—so as to read as follows:— *Section 16.* The mayor and aldermen of a city and the selectmen of a town, may adopt rules and orders not inconsistent with law for the regulation and control of persons who frequent the streets and public places therein playing on hand organs or other musical instruments, beating drums, blowing trumpets, or coasting with sleds or other vehicles, with penalties for the violation thereof not exceeding twenty dollars for each offence.

Itinerant musicians, etc.
Mayor and aldermen and selectmen may adopt rules governing.

Penalties.

Approved June 15, 1892.

AN ACT CHANGING THE TIME OF THE SITTING OF THE SUPERIOR COURT FOR CIVIL BUSINESS FOR THE COUNTY OF MIDDLESEX. *Chap.391*

Be it enacted, etc., as follows:

The superior court for civil business for the county of Middlesex, now required to be held at Lowell, within and for the county of Middlesex, on the first Monday of September in each year, shall hereafter be held on the second Monday of September in each year.

Time of sitting changed.

Approved June 15, 1892.

AN ACT RELATING TO SHARES OF THE BOSTON AND MAINE RAILROAD SUBJECT TO THE LIEN OF A CERTAIN MORTGAGE OF THE EASTERN RAILROAD COMPANY. *Chap.392*

Be it enacted, etc., as follows:

The provisions of section two of chapter three hundred and eight of the acts of the year eighteen hundred and ninety-one, so far as they apply to shares of the Boston and Maine Railroad becoming subject to the lien of the mortgage of the Eastern Railroad Company, of the twenty-second day of June in the year eighteen hundred and seventy-six, shall extend and apply to shares of the Boston and Maine Railroad also subject to the lien of said mortgage and issued under the authority of chapter one hundred and eighty-five of the acts of the year eighteen hundred and ninety.

1891, 308, § 2, provisions of, to apply to shares of Boston and Maine Railroad.

Approved June 15, 1892.

AN ACT RELATING TO THE ABOLITION OF GRADE CROSSINGS IN THE CITY OF BROCKTON. *Chap.393*

Be it enacted, etc., as follows:

SECTION 1. Authority is hereby given to the mayor and aldermen of the city of Brockton, and to the directors of the Old Colony Railroad Company, to include in any petition under the provisions of chapter four hundred and

Grade crossings, city of Brockton, abolition of.

twenty-eight of the acts of eighteen hundred and ninety for the abolition of grade crossings upon the main line of said railroad company, any and all private ways over or across said railroad or the property of said railroad company; and the said superior court and the justices thereof, and any commission appointed thereby, are also authorized to deal with and to include any and all such private ways in any proceedings relating thereto, to the same extent as if they were respectively crossings of public ways at the level of the railroad; and also said court and commission are authorized, upon the joint application of the parties, to make provision, by suitable openings or otherwise, for future crossings of said railroad by new streets to be hereafter laid out; and all provisions of said chapter four hundred and twenty-eight and any acts in amendment thereof shall apply to all the provisions of this act and crossings named therein.

Recovery of
damages.

SECTION 2. Any owner of private rights of way over said railroad, whose rights of way are injured or destroyed by any proceedings under this act, may recover damages therefor in the manner damages may be recovered under said chapter four hundred and twenty-eight of the acts of eighteen hundred and ninety and acts amendatory thereof.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1892.

Chap.394

AN ACT TO INCORPORATE THE ROXBURY TRUST COMPANY.

Be it enacted, etc., as follows:

Roxbury Trust
Company, incor-
porated.

SECTION 1. William H. H. Andrews, James F. Bliss, William A. Folsom, Alfred Ziegler, Nathaniel J. Rust, Joseph A. Jackson, Charles Liffler, Max Cramer, Louis Prang and Gottlieb F. Burkhardt, their associates and successors, are hereby made a corporation by the name of the Roxbury Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Boston; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.]

AN ACT TO INCORPORATE THE BEACON TRUST COMPANY.

Chap.395

Be it enacted, etc., as follows :

SECTION 1. William A. Paine, William H. Treworgy, Edward P. Sanderson, Decius Beebe, J. Otis Wardwell, Woodbury Noyes and John A. Gale, their associates and successors, are hereby made a corporation by the name of the Beacon Trust Company, with authority to establish and maintain a trust company in the city of Boston; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Beacon Trust
Company,
incorporated.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

AN ACT TO INCORPORATE THE WEST LYNN TRUST COMPANY.

Chap.396

Be it enacted, etc., as follows :

SECTION 1. Lemuel M. Brock, Albert L. Rohrer, Samuel A. Guilford, James W. Dearborn, Leonard B. Mosher, Wellman Osborne, Luther Newcomb, Samuel B. Valpey, James R. Hughes, Charles W. Collins, Charles O. Breed, Roland G. Usher, Wallace Bates, Langdon H. Holder, Ira B. Keith, Richard Breed and Samuel S. Perkins, their associates and successors, are hereby made a corporation by the name of the West Lynn Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Lynn; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

West Lynn
Trust Company,
incorporated.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

AN ACT TO INCORPORATE THE ESSEX COUNTY SAFE DEPOSIT AND TRUST COMPANY.

Chap.397

Be it enacted, etc., as follows :

SECTION 1. Benjamin W. Russell, S. Endicott Peabody, Jeremiah T. Mahoney, John H. Langmaid, Joseph W. Lefavour, Thomas H. Johnson, Philip Little, Joseph

Essex County
Safe Deposit
and Trust
Company,
incorporated.

N. Peterson, Walter S. Dickson, Arthur L. Huntington and Daniel Low, their associates and successors, are hereby made a corporation by the name of the Essex County Safe Deposit and Trust Company, with authority to establish and maintain a safe deposit and trust company in the city of Salem; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.]

Chap.398 AN ACT TO INCORPORATE THE PLYMOUTH COUNTY SAFE DEPOSIT AND TRUST COMPANY.

Be it enacted, etc., as follows:

Plymouth
County Safe
Deposit and
Trust Company,
incorporated.

SECTION 1. Ziba C. Keith, Augustus T. Jones, William L. Douglass, Preston B. Keith, William L. Reed, Warren A. Reed, Henry L. Bryant, Albert Davis, Charles H. Edson and Robert O. Harris, their associates and successors, are hereby made a corporation by the name of the Plymouth County Safe Deposit and Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Brockton; with all the powers and privileges and subject to all the duties, liabilities and restrictions which now are or may hereafter be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.]

Chap.399 AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Salaries
established.

SECTION 1. The salaries of the county commissioners for the county of Norfolk shall be forty-two hundred dollars a year, to be so allowed from the first day of April in the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

[The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.]

AN ACT TO INCORPORATE THE COLUMBIA TRUST COMPANY.

Chap.400

Be it enacted, etc., as follows:

SECTION 1. J. Henry Stevenson, Frank C. Wood, Horace B. Butler, Edwin Rice, Charles A. Kelly, Patrick J. Kennedy, William Waters, jr., Richard F. Keough, Charles T. Witt, John Morrison, Benjamin F. Campbell, Albert F. Low, James Townsend, Frank E. Dimick, John H. Townsend and Benjamin J. Sullivan, their associates and successors, are hereby made a corporation by the name of the Columbia Trust Company, with authority to establish and maintain a safe deposit, loan and trust company in the city of Boston; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Columbia Trust Company, incorporated.

SECTION 2. This act shall take effect upon its passage.

[*The foregoing was laid before the Governor on the ninth day of June, 1892, and after five days it had the "force of a law," as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*]

AN ACT RELATING TO SIDEWALKS IN THE CITY OF BOSTON.

Chap.401

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Boston may pass an order that the superintendent of streets of said city make a sidewalk along any highway or part thereof in said city, specifying in the order the locations, heights, widths and materials for the sidewalks, and the said superintendent shall carry out said order.

Sidewalks in city of Boston.

SECTION 2. Any expenses incurred for any work so ordered and performed shall be paid out of the moneys appropriated under the provisions of section one of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and shall be repaid to said city as the assessable cost of the work by the owners of the several parcels of land bordering on the part of the highway along which the sidewalk is made: *provided, however*, that if any such parcel is devoted to public use, said city may assume and pay the whole or part of the amount assessed thereto, if said city shall deem proper so to do.

Expense to be repaid by owners of land.

Proviso.

SECTION 3. Said superintendent shall so apportion the said assessable cost to the parcels of land aforesaid

Apportionment of assessable cost.

that the amount apportioned to each parcel shall bear to the total assessable cost the proportion which the number of lineal feet of each parcel on said highway bears to the number of such lineal feet of all such parcels, and a lien shall attach to the parcel and to any buildings which may be thereon for such amount, as a part of the tax on such parcel. Said superintendent shall give notice of the amount of every such assessment to the owner of the estate assessed therefor, forthwith after the amount has been determined.

Provisions
applicable.

SECTION 4. The provisions of sections sixteen, seventeen and eighteen of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof shall, so far as applicable, apply to all assessments made under this act.

Provisions
applicable.

SECTION 5. Sidewalks in said city shall hereafter be made and paid for only in accordance with the provisions of this act, the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and acts in amendment thereof.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.402

AN ACT RELATING TO SEWERS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Sewers in city
of Boston.

SECTION 1. The mayor and aldermen of the city of Boston may order that the superintendent of streets of said city make a sewer or sewers in any highway or strip of land and other places in said city, specifying in the order the locations, sizes and materials for the sewer or sewers, and the said superintendent shall carry out said order.

Expense to be
repaid by
owners of land.

SECTION 2. Any expenses incurred for any work so ordered and performed shall be paid out of the moneys appropriated under the provisions of section one of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and shall, to an amount not exceeding four dollars for each lineal foot of sewer, be repaid to said city as the assessable cost of the work, by the owners of the several parcels of land bordering on the highway or strip of land in which the sewer is made.

Apportionment
of assessable
cost.

SECTION 3. Said superintendent shall so apportion the said assessable cost to the parcels of land aforesaid

that the amount apportioned to each parcel shall bear to the total assessable cost the proportion which the number of lineal feet of each parcel on said highway or strip of land bears to the number of such lineal feet of all such parcels, and a lien shall attach to the parcel and to any buildings which may be thereon for such amount, as a part of the tax on such parcel. Said superintendent shall give notice of the amount of every such assessment and the interest thereon to the owner of the parcel liable therefor, forthwith after such amount has been determined.

SECTION 4. When an assessment is made for a parcel of land for which the owner is by law exempt from being taxed, as determined and certified to by the assessors of said city on application to them therefor, the collector of taxes of said city shall suspend the collection of such assessment, but after the day on which the parcel ceases to be owned by a person or corporation so exempt, the amount of such assessment less any payment made for an entry under the following section shall be collected as if that day were the date of the passage of the aforesaid order for making the sewer. Suspension of assessment.

SECTION 5. The owner of any parcel of land on which an assessment has been made for said cost and the collection of which has not been suspended, under the provisions of the preceding section, may enter from any part thereof within one hundred and twenty-five feet of said highway or strip of land, a particular drain into such sewer, and the owner of any parcel of land the collection of the assessment upon which has been so suspended, or of any other parcel of land, may, after the amount to be paid for an entry has been fixed by the mayor and aldermen of said city, enter a particular drain from such parcel into said sewer, and there shall be due and payable to said city, upon any such entry, the amount of the assessment apportioned or fixed as hereinbefore provided. Right of entry.

SECTION 6. The provisions of sections sixteen, seventeen and eighteen of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof shall, so far as applicable, apply to all assessments made under this act. Provisions applicable.

SECTION 7. Chapter four hundred and fifty-six of the acts of the year eighteen hundred and eighty-nine and chapter three hundred and forty-six of the acts of the year eighteen hundred and ninety are hereby repealed, and Repeal.

sewers in said city shall hereafter be made and paid for only in accordance with the provisions of this act or the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof.

SECTION 8. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.403

AN ACT RELATIVE TO THE TAKING OF LOBSTERS.

Be it enacted, etc., as follows :

Taking of
lobsters regu-
lated.

Any person living without this Commonwealth who shall take any lobsters within the harbors, rivers or waters of the Commonwealth, and carry them or cause them to be carried thence in vessels, shall be fined ten dollars for every offence and shall forfeit all the lobsters so taken. But this act shall not prevent the purchase of lobsters for transportation without the Commonwealth.

Approved June 16, 1892.

Chap.404

AN ACT TO PROVIDE AN OPEN SPACE ON THE EAST SIDE OF THE STATE HOUSE EXTENSION.

Be it enacted, etc., as follows :

Land to be
taken for open
space on east
side of state
house extension.

SECTION 1. For the purpose of securing an open space around the state house, the state house construction commissioners are hereby authorized, in the name and behalf of the Commonwealth, to take by purchase or otherwise, within three months after the passage of this act, the whole of the tract of land in the city of Boston, bounded north by Derne street, east by Bowdoin street, south by Beacon Hill place, and west by the state house.

Description of
lands taken to
be recorded in
registry of
deeds.

SECTION 2. Said commissioners shall, within sixty days after the taking of any lands otherwise than by purchase, cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands so taken, as certain as is required in a common conveyance of lands, with a statement that said lands are taken under the authority of this act; and the title of any lands so taken shall vest absolutely in the Commonwealth in fee.

Damages in case
of failure to
agree to be
determined by
a jury.

SECTION 3. The Commonwealth shall pay all damages sustained by persons in their property by such takings; and if any person sustaining damage, and said commissioners, fail to agree as to the amount of damages so sustained, said person or said commissioners may, within one

year from such taking, file in the office of the clerk of the superior court for the county of Suffolk a petition for a jury to determine such damages, and thereupon, after such notice as said court shall order, the damages shall be determined by a jury in said court in the same manner as damages for lands taken for highways in said city are determined, and costs shall be taxed as in civil cases. Said damages and the amounts agreed to, where the terms of purchase are established by agreement, shall be paid from the treasury of the Commonwealth in the same manner as other lawful claims, upon the execution of such release or conveyance by the party in interest as shall be prescribed by the attorney-general.

SECTION 4. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT RELATIVE TO COUNTING BALLOTS WHEN VOTING IS IN PROGRESS. *Chap. 405*

Be it enacted, etc., as follows :

Section eighty-nine of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety is hereby amended by striking out the words "not divided into voting precincts and", in the twenty-sixth and twenty-seventh lines of said section, and inserting in place thereof the words: — and precincts of towns, — and by inserting after the word "selectmen", in the thirtieth line, the words: — or moderator, — also by inserting after the word "clerk", in the same line, the words: — of said towns or of the election officers of said precincts, — so as to read as follows: — *Section 89.* City and town clerks shall send to the election officers of each precinct or town before the opening of the polls on the day of any state or city election, or meeting at which such ballot box is required by law to be used, the ballot box furnished by the secretary of the Commonwealth, with such ballot box seals and other ballot boxes as may be approved by the board of aldermen or selectmen, as the case may be. At the opening of the polls in each precinct or town, and before any ballots are received, the ballot box shall be publicly opened and shown to be empty, and the election officers shall, by personal examination, ascertain that the same is empty, after which the box shall immediately be locked or fastened, a record of the condition of the box register made by the clerk, and the key taken, if one be

1890, 423, § 89,
amended.

Ballot boxes to
be furnished
election officers
before opening
of polls.

Ballot box to
be examined at
opening of
polls, etc.

used, and retained by the constable or police officer in attendance at said precinct. The ballot box shall not be removed from the public view, after it is so shown to be empty, until all ballots have been removed therefrom and the box has been relocked or sealed. No ballot shall be removed from the ballot box in any precinct or town while the polls are open, and the box shall not be opened except that, in order to make room for the deposit of all ballots, the warden may, in the presence of all the election officers, open the box and pack and press down the ballots therein. In towns and precincts of towns having more than six hundred voters, the ballot box may be opened and ballots taken therefrom and counted whenever in the unanimous judgment of the selectmen, or moderator, and town clerk of said towns, or of the election officers of said precincts, it is necessary or advisable so to do. The wardens of each precinct shall have charge of the ballot boxes and ballot box seals, and shall, at the close of each election, return the same, either personally or by the hand of the police officer or constable in attendance at the precinct, to the city or town clerk. The clerk of each city and of each town divided into voting precincts, respectively, shall furnish to the clerks of the several precincts a seal of suitable device, the design for which shall include the number or designation of the precinct for which it is furnished; and said seal shall be used in sealing the envelopes as required by law at any election. The precinct clerk shall retain the custody of the precinct seal, and he shall, at the end of the term for which he was appointed or whenever he ceases to hold said office, deliver the same, together with the records of the precinct and other documents, to the city or town clerk.

Approved June 16, 1892.

Chap. 406

AN ACT RELATING TO THE BALLOT LAW COMMISSION.

Be it enacted, etc., as follows:

Ballot law
commission.

SECTION 1. Objections and other questions arising, in accordance with the provisions of section seven of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, in the case of nominations of state officers, shall be considered by a board to be called the ballot law commission, consisting of the secretary of the Commonwealth, the attorney-general, and three other persons who shall be appointed by the governor with the

Appointments
and terms.

advice and consent of the council, in the month of June or July of each year, from different political parties, and shall hold office for terms of one year beginning with the first day of August; and any vacancy occurring in their number shall be filled by appointment in the same manner for the remainder of the unexpired term. The members so appointed shall be paid such compensation for their services, not exceeding three hundred dollars each per year, as the governor and council may determine. The board shall have authority to summon and administer oaths to witnesses, which summons may be signed or oath administered by any member of the board, and to require the production of books and papers at the hearing before them of any matter within their jurisdiction; and such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default as witnesses before the general court. The decision of a majority of the board shall be final.

Compensation.

Judicial powers, etc.

SECTION 2. The amount to be expended under this act shall not exceed fifteen hundred dollars in any one year.

Annual expenditure not to exceed \$1,500.

SECTION 3. Section five of chapter four hundred and thirty-six of the acts of the year eighteen hundred and ninety is hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT RELATING TO THE APPOINTMENT OF TRUSTEES OF THE HOSPITAL COTTAGES FOR CHILDREN. *Chap. 407*

Be it enacted, etc., as follows:

SECTION 1. The governor with the advice and consent of the council shall appoint five trustees of the hospital cottages for children, who shall hold their offices for a term of three years from the date of their appointment. All vacancies in the trustees so appointed, whether occurring by expiration of a term or otherwise, shall be filled in like manner; any of such trustees, appointed to fill a vacancy occurring from any cause other than the expiration of a term, shall, unless reappointed, hold office only during such unexpired term.

Trustees of hospital cottages for children.

SECTION 2. So much of section two of chapter three hundred and fifty-four of the acts of the year eighteen hundred and ninety as provides for the appointment of trustees of said hospital, is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.408 AN ACT PROVIDING FOR AN ADDITIONAL TRIAL JUSTICE IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

Additional trial justice.

SECTION 1. The governor with the advice and consent of the council may commission one additional trial justice for the county of Dukes County; and the maximum number of trial justices hereafter in commission for said county shall be three.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.409 AN ACT RELATING TO LOTTERIES AND POLICY LOTTERIES.

Be it enacted, etc., as follows:

Lotteries, etc., prohibited.

SECTION 1. Whoever keeps, sets up, promotes, or is concerned as owner, agent, clerk or in any other manner, in managing any policy lottery or policy shop, or writes, prints, sells, transfers or delivers, any ticket, certificate, slip, bill, token or other device, purporting or designed to guarantee or assure to any person, or to entitle any person to a chance of drawing or obtaining any prize or thing of value to be drawn in any lottery or in the game or device commonly known as policy lottery or policy; or for himself or another person, writes, prints, sells or transfers or delivers, or has in his possession for the purpose of sale, transfer or delivery, or in any way aids in selling, exchanging, negotiating, transferring or delivering a chance or ticket in any lottery, or in the game or device commonly known as policy lottery or policy, or any such bill, slip, certificate, token or other device, shall be punished by fine not exceeding five hundred dollars or imprisonment in the house of correction not exceeding one year.

Tickets, etc., printing or delivery of, to be prima facie evidence.

SECTION 2. The printing, advertising, issuing or delivery of any ticket, paper, document or material representing or purporting to represent the existence of or an interest in a lottery, policy lottery, game or hazard, shall be prima facie evidence of the existence, location and drawing of such lottery, policy lottery, game or hazard, and the issuing or delivery of any such paper, ticket, document or material shall be prima facie evidence of value received therefor by the person or persons, company or corporation who issues or delivers, or knowingly aids or abets in the issuing or delivering of such paper, ticket, document or material.

Approved June 16, 1892.

AN ACT TO PROHIBIT THE DEDUCTION OF WAGES OF EMPLOYEES *Chap.410*
ENGAGED AT WEAVING.

Be it enacted, etc., as follows :

SECTION 1. The system now or at any time hereafter employed by manufacturers of grading their work shall in no way affect or lessen the wages of a weaver except for imperfections in his own work ; and in no case shall the wages of those engaged in weaving be affected by fines or otherwise, unless the imperfections complained of are first exhibited and pointed out to the person or persons whose wages are to be affected, and no fine or fines shall be imposed upon any person for imperfect weaving, unless the provisions of this section are first complied with and the amount of the fines are agreed upon by both parties.

Wages of persons engaged in weaving not to be affected except for imperfections.

SECTION 2. Any employer who shall violate the provisions of this act shall be subject to a fine of not more than one hundred dollars, and for a second and subsequent violation of this act shall be fined not more than three hundred dollars.

Penalty.

SECTION 3. Chapter one hundred and twenty-five of the acts of the year eighteen hundred and ninety-one is hereby repealed.

Repeal.

Approved June 16, 1892.

AN ACT RELATING TO CONDITIONAL SALES OF FURNITURE OR OTHER *Chap.411*
HOUSEHOLD EFFECTS.

Be it enacted, etc., as follows :

Section two of chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-four is hereby amended by adding at the end thereof, the following words : — And in all cases where seventy-five per centum or more has been paid upon the contract price by the vendee, upon default in the conditions of the lease by the vendee, after the expiration of the fifteen days as now provided by law, for the vendee's equity of redemption, the goods so forfeited shall be sold by the vendor at public auction when the vendee or his legal representative shall request in writing the vendor so to do, and the sale shall be duly advertised in one of the principal newspapers published in the city or town where the goods are situated, or if there is no such paper, in one of the principal newspapers published in such county, notice to be published at least three days prior to the time of the sale, and the balance of the price of said sale, after deducting the balance

1884, 313, § 2, amended.

Conditional
sales of furni-
ture, itemized
statement to be
furnished
vendee, etc.

Sale to be ad-
vertised, etc.

due the vendor on the contract price and the actual expenses of the auction sale, shall be paid to the vendee or his legal representatives, and in case the vendor refuses or neglects to sell as provided herein, the right to redeem shall not be deemed to have been foreclosed, — so as to read as follows:— *Section 2.* The vendor upon taking possession of such furniture or effects for non-compliance with the terms of such contract of sale, shall furnish the vendee or other person in charge of such furniture or effects an itemized statement of the account showing the amount then due thereon; and the fifteen days provided by section thirteen of chapter one hundred and ninety-two of the Public Statutes during which the vendee shall have the right to redeem the furniture or household effects so taken shall not begin to run until such statement is furnished, provided the vendee or other person in charge can be found by the vendor by the exercise of reasonable care and diligence. And in all cases where seventy-five per centum or more has been paid upon the contract price by the vendee, upon default in the conditions of the lease by the vendee, after the expiration of the fifteen days as now provided by law, for the vendee's equity of redemption, the goods so forfeited shall be sold by the vendor at public auction when the vendee or his legal representative shall request in writing the vendor so to do, and the sale shall be duly advertised in one of the principal newspapers published in the city or town where the goods are situated, or if there is no such paper, in one of the principal newspapers published in such county, notice to be published at least three days prior to the time of the sale, and the balance of the price of said sale, after deducting the balance due the vendor on the contract price and the actual expenses of the auction sale, shall be paid to the vendee or his legal representatives, and in case the vendor refuses or neglects to sell as provided herein, the right to redeem shall not be deemed to have been foreclosed.

Approved June 16, 1892.

Chap. 412 AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE WATER WORKS, WATER SUPPLY AND WATER SERVICE OF THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

Improvement
of water
works of the
town of
Arlington.

SECTION 1. The town of Arlington, for the purpose of improving and extending its water works, improving and increasing its present sources of water supply, extend-

ing its system of water service, replacing its cement lined pipes with iron pipes, and establishing and maintaining high service, is hereby authorized to issue its bonds, notes or scrip to an amount not exceeding one hundred and fifty thousand dollars in addition to the amounts it is now authorized to issue, to be denominated on the face thereof, Arlington Water Loan, Act of 1892, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such bonds, notes or scrip, respectively. Said town is authorized to sell said bonds, notes or scrip, or any part thereof, at public or private sale, provided the same shall not be sold for less than the par value thereof. The provisions of section two of chapter one hundred and twelve of the acts of the year eighteen hundred and ninety-one shall be applicable to the bonds, notes and scrip issued under this act.

May issue bonds, etc., not to exceed \$150,000.

Provisions applicable.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT PROHIBITING THE APPOINTMENT OF PERSONS NOT RESIDENTS OF THE COMMONWEALTH AS SPECIAL POLICE OFFICERS.

Chap. 413

Be it enacted, etc., as follows:

SECTION 1. Whenever in case of emergency special officers are appointed, whether under the name of police officers or any other name, to act in the capacity of police officers for quelling a riot or disturbance, or for protecting property, no person shall be so appointed who is not a resident of this Commonwealth. But this section shall not prevent the appointment of a person not a resident of this Commonwealth to act in the capacity of a police officer for protecting the property of a person or corporation of whom or of which he is a regular employee.

Non-residents not to be appointed special police officers in certain cases.

Employee, etc., may be appointed.

SECTION 2. Any person or corporation may at any time, in case of danger to his or its property, call upon the regularly constituted police authorities in this Commonwealth for assistance in the protection of the same, and nothing in this chapter shall in any way limit or diminish such right. But no private individual or corporation shall request or authorize any person or body of persons non-residents of this Commonwealth, other than regular employees, to assist such corporation with arms in the defence of its property, and no such request or authorization shall operate as a justification of any assault

Police protection.

Injury, dam-
ages.

or attack made by a non-resident with arms upon any person in this Commonwealth. If a private corporation or an individual who is an employer of labor, requests or authorizes persons to render assistance in violation of this section, such corporation or individual and each and every person rendering such assistance with arms shall be severally liable to each individual injured in person or property by any act of such non-resident for the damages resulting from such injury, to be recovered in an action of tort.

SECTION 3. This act shall take effect upon the first day of July in the year eighteen hundred and ninety-two.

Approved June 16, 1892.

Chap. 414 AN ACT RELATING TO THE WATER SUPPLY OF THE TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

1891, 845, § 1,
amended.

SECTION 1. Section one of chapter three hundred and forty-five of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "made", in the thirteenth line thereof, the following words:— and for the purpose of paying any expenses or liabilities incurred under the provisions of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, or of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-six, — so as to read as follows:— *Section 1.* The town of Braintree is hereby authorized and empowered to issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate fifty thousand dollars; said bonds, notes and scrip to be issued in accordance with the provisions of sections eleven and twelve of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-six, and for the purpose of enabling said town to complete the purchase of the water works of the Braintree Water Supply Company as therein provided for, to settle any liabilities resulting therefrom or connected therewith and for making such additions to said works as may be deemed expedient to be made, and for the purpose of paying any expenses or liabilities incurred under the provisions of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, or of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-six, and to be in addition to the several amounts of bonds,

Town may
issue water
supply bonds,
etc., not to
exceed \$50,000.

notes or scrip authorized to be issued by said town by said chapter two hundred and sixty-nine, and by chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five.

SECTION 2. The said chapter three hundred and forty-five of the acts of the year eighteen hundred and ninety-one shall be construed and have effect, and the validity and effect of all acts and votes of the town of Braintree and of its officers shall be determined, in the same manner as if the said chapter had been originally enacted as hereby amended.

Provisions of 1891, 345, construed.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT RELATING TO THE ASSESSMENT OF DAMAGES FOR THE LAYING OUT OR ALTERATION OF HIGHWAYS.

Chap. 415

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter forty-nine of the Public Statutes is hereby amended by striking out all after the word "indemnity", in the third line of said section, to and including the word "time", in the fourth line, and inserting in place thereof the following words: — for laying out, locating anew, altering, widening or discontinuing a highway, or ordering specific repairs thereon, may be made at any time before the expiration of one year, to be reckoned, in the case of the taking of land, from the day when the highway is entered upon and possession taken for the purpose of constructing the same, in the case of specific repairs, from the day when the work is actually commenced on the way, and in all other cases, from the date of the order providing for the same; but if before the expiration of any such year, — by inserting after the word "altering", in the sixth line of said section, the word: — widening, — and by inserting after the word "highway", in the seventh line of said section, the words: — or ordering specific repairs thereon, — so as to read as follows: — *Section 33.* Applications to the commissioners for a jury to revise their judgment in the assessment of damages, or in the award of indemnity, for laying out, locating anew, altering, widening or discontinuing a highway, or ordering specific repairs thereon, may be made at any time before the expiration of one year, to be reckoned, in the case of the taking of land, from the day when the highway is entered upon and possession taken

49, § 33, P. S., amended.

Application for jury to revise damages, when to be made.

for the purpose of constructing the same, in the case of specific repairs, from the day when the work is actually commenced on the way, and in all other cases, from the date of the order providing for the same; but if before the expiration of any such year a suit is instituted wherein the legal effect of the proceedings of the commissioners in laying out, locating anew, altering, widening or discontinuing a highway, or ordering specific repairs thereon, is drawn in question, such application may be made at any time within one year after the final determination of the suit.

49, § 79, P. S.,
amended.

SECTION 2. Section seventy-nine of said chapter is hereby amended by inserting after the words "laying out", in the second line, the words:— locating anew, widening,— also by striking out the word "at", in the fifth line of said section, and the following words, to and including the word "suit", in the eleventh line, and inserting in place thereof the words:— within such time as is specified for a like purpose in section thirty-three, — so as to read as follows:— *Section 79.* A person aggrieved by the assessment of his damages occasioned either by the laying out, locating anew, widening, alteration, or discontinuance of a town way or private way, or by an order for specific repairs, or of the sum awarded him as indemnity therefor, may have the matter of his complaint determined by a jury, which may be applied for within such time as is specified for a like purpose in section thirty-three. Such application may be made either to the county commissioners, or to the superior court as provided in section one hundred and five. Upon such application to the county commissioners, an order for a jury shall be made by them, or by agreement of the parties the matter may be determined by a committee to be appointed by the county commissioners; and the jury or committee shall have the same powers, and the proceedings in all respects shall be conducted in the same manner, as before provided in like case with respect to highways. If the damages are increased, the damages and all charges shall be paid by the town; otherwise the charges arising on such application shall be paid by the applicant or person recognizing as aforesaid.

Jury or committee to ascertain damages.

49, § 86, P. S.,
amended.

SECTION 3. Section eighty-six of said chapter as amended by chapter three hundred and ninety-seven of the acts of the year eighteen hundred and eighty-eight

is hereby amended so as to read as follows : — *Section 86.* Highways in city of Boston, damages, etc.
The damages sustained in any case specified in the preceding section shall be paid by the city of Boston, and said city, or any party interested, if they cannot agree upon the amount of such damages may, within the time specified for a like purpose in section thirty-three, file a petition for a jury in the office of the clerk of the superior court for the county of Suffolk, and thereupon, after such notice as the court shall order, a trial shall be had in the said court, in the same manner as other civil cases are there tried by jury, and if either party request, the jury shall view the place in question.

SECTION 4. Section ninety-one of chapter forty-nine of the Public Statutes is hereby amended by adding thereto the following words : — but every application for a jury to assess damages may, notwithstanding any other provision in any such charter, be made within the time specified for a like purpose in section thirty-three, — so as to read as follows : — *Section 91.* 49, § 91, P. S., amended.
The provisions of the preceding sections, so far as applicable, shall apply to the several cities and towns, except as may be otherwise provided by city charters and acts in amendment thereof. Provisions applicable to cities and towns.
But every application for a jury to assess damages may, notwithstanding any other provision in any such charter, be made within the time specified for a like purpose in section thirty-three.

SECTION 5. This act shall take effect on the first day of August in the year eighteen hundred and ninety-two.

Approved June 16, 1892.

AN ACT TO PREVENT CORRUPT PRACTICES IN ELECTIONS AND TO PROVIDE FOR PUBLICITY OF ELECTION EXPENSES.

Chap. 416

Be enacted, etc., as follows :

SECTION 1. No person shall, in order to aid or promote his own nomination as a candidate for public office, by a caucus, convention or nomination paper, directly or indirectly, by himself or through another person, or by a political committee, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses as hereinafter provided. Payment, etc., of money, etc., to secure nomination, prohibited, etc.

SECTION 2. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, by himself or through another per- Promises of appointment, etc., prohibited.

son, promise to appoint, or promise to secure or assist to secure the appointment, nomination or election of another person to a public position or to a position of honor, trust or emolument, except that he may announce or define his own choice or purpose in relation to an election in which he may be called to take part, if he shall himself be elected to the public office for which he is a candidate.

Payment of money, etc., regulated.

SECTION 3. No person shall, in order to aid or promote his own election to a public office, directly or indirectly, by himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except as hereinafter provided, for personal expenses and to a political committee.

Personal expenses.

SECTION 4. A candidate for nomination or for election to a public office, and any other person, may incur and pay, in connection with such nomination or election, his own personal expenses for travelling and purposes properly incidental to travelling; for writing, printing and preparing for transmission any letter, circular or other publication which is not issued at regular intervals, whereby he may make known his own position or views upon public or other questions; for stationery and postage, for telegraph, telephone and other public messenger service, and for other petty personal purposes; but all such expenses shall be limited to those which are directly incurred and paid by him; and no person shall be required to include such personal expenses in any statement which may be required of him under this act.

Voluntary payment, etc., to a political committee.

SECTION 5. A person who is nominated as a candidate for public office, by a caucus, convention or nomination paper, and any person who shall with his own assent be voted for for public office, may make a voluntary payment of money or a voluntary and unconditional promise of payment of money to a political committee, as hereinafter defined, for the promotion of the principles of the party which the committee represents, and for the general purposes of the committee.

Term "political committee" defined.

SECTION 6. The term "political committee", under the provisions of this act, shall apply to every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election, or shall aid or take part in the nomination, election or defeat of a candidate for pub-

lic office. Every such committee shall have a treasurer, who is a legal voter of the Commonwealth, and shall cause to be kept by him detailed accounts of all money, and the equivalent of money, which shall be received by or promised to the committee, or any person acting under its authority or in its behalf, and of all expenditures, disbursements and promises of payment or disbursement which shall be made by the committee or any person acting under its authority and in its behalf; and no person, acting under the authority or in behalf of such committee, shall receive any money, or equivalent of money, or expend or disburse the same, until the committee has chosen a treasurer to keep its accounts as herein provided.

Receipt or disbursement of money prohibited until treasurer is chosen.

SECTION 7. A person who, acting under the authority or in behalf of a political committee, shall receive any money or equivalent of money or promise of the same, or shall expend any money or its equivalent, or shall incur any liability to pay money or its equivalent, shall at any time thereafter on demand of the treasurer of such committee, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to such treasurer a detailed account of the same, with all vouchers required by this act; and such account shall constitute a part of the accounts and records of such treasurer.

Account of receipts, expenditures, etc., to be rendered.

SECTION 8. The treasurer of every political committee which shall receive or expend or disburse any money or equivalent of money, or incur any liability to pay money, in connection with any election, if the aggregate of such receipts or of such expenditures, disbursements and liabilities shall exceed twenty dollars, shall within thirty days after such election file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee, and of every officer and other person acting under its authority and in its behalf. Such statement shall include the amount in each case received, the name of the person or committee from whom it was received, and, so far as practicable, the date of its receipt, and shall also include the amount of every expenditure or disbursement, the name of the person or committee to whom the expenditure or disbursement was made, and, so far as practicable, the date of every such expenditure and disbursement; and, except where such expenditure or disbursement was made to another political committee, shall

Treasurer to file statement, etc., when aggregate exceeds twenty dollars.

Contents of statement.

clearly state the purpose for which it was expended or disbursed. The statement shall also give the date and amount of every existing unfulfilled promise or liability, both to and from such committee, remaining uncanceled and in force at the time the statement is made, with the name of the person or committee to or from whom the unfulfilled promise or liability exists, and clearly state the purpose for which the promise or liability was made or incurred.

Person who receives, expends, etc., amount exceeding twenty dollars subject to the requirements of this act.

SECTION 9. Every person who, acting otherwise than under the authority and in behalf of a political committee having a treasurer as hereinbefore provided, receives money or the equivalent of money, or expends or disburses, or promises to expend or disburse money or its equivalent, to an amount exceeding twenty dollars, for the purpose of aiding or promoting the success or defeat of a political party or principle in a public election, or of aiding or taking part in the nomination, election or defeat of a candidate for public office, shall file such statement as is herein required to be filed by a treasurer of a political committee, in the town or city in which he is a legal voter, and shall be subject to all the requirements of this act, the same as a political committee and the treasurer thereof; but no person other than a legal voter of the Commonwealth shall receive, expend or disburse any money or equivalent of money, or promise to expend or disburse the same, for either of the purposes above-named, except for personal expenses as is herein provided, or under the authority and in behalf of a political committee.

Receipt, expenditure, etc., by persons not voters.

Payment, etc., to be in name of payer, etc.

SECTION 10. No person shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a political committee or to an officer or other person acting under its authority or in its behalf, in any other than his own name; nor shall such committee, officer or other person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom such payment or promise of payment is made.

No committee, etc., shall demand, etc., payment of money from candidate.

SECTION 11. No political committee, and no person acting under the authority or in behalf of a political committee, shall demand, solicit, ask or invite a payment of money or promise of payment of money to be used in an election, from a person who has been nominated by a caucus, convention or nomination paper, as a candidate

for public office in such election ; and no person so nominated shall make any such payment in an election in which he is a candidate for public office, to a political committee or to any person acting under the authority or in the behalf of a political committee, if such committee or any such person has demanded, solicited, asked or invited from him any such payment or promise of payment.

SECTION 12. The statement required by this act to be filed by a treasurer of a political committee shall be filed with the clerk of the town or city in which the treasurer is a legal voter, except that, in case a political committee has its headquarters in some other town or city than that in which the treasurer is a legal voter, the treasurer shall file the statement required of him with the clerk of the town or city in which such headquarters are maintained at the time of the election to which the statement relates. A statement relating to any other than a municipal election, or than an election on the part of a city council or of either branch thereof, shall be filed in duplicate, and one copy shall be forthwith forwarded by the town or city clerk receiving the same to the secretary of the Commonwealth, by whom it shall be placed on file.

Statement to be filed by treasurer of committee, etc.

SECTION 13. The supreme judicial court and the superior court shall have full equity powers to compel any person who fails to file a statement required by this act, or who files a statement which does not conform to the provisions of this act in respect to sufficiency in detail, conformity to the truth or otherwise, to comply with the provisions of this act by filing such a statement as is required, and may compel such compliance, upon the petition of any candidate voted for or of any five persons qualified to vote at the election on account of which the expenditures, or a part thereof, were or are alleged to have been made. No such petition shall be brought later than sixty days after such election, against any one who has filed his account within the thirty days required, excepting that a petition may be brought within thirty days of any payment which was not stated in the statement so filed. Proceedings under this section shall be advanced upon the dockets of said courts, if requested by either party, so that they may be tried and decided with as little delay as possible. No petition brought under this act shall be withdrawn or discontinued without the consent of the attorney-general.

Equity powers of supreme judicial court and superior court, proceedings, etc.

Witness not
liable to criminal
prosecution, etc.

SECTION 14. No person called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise, for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Duty of clerk
when state-
ments do not
conform with
law.

SECTION 15. If any statements which are filed under this act shall apparently fail to be in conformity with the requirements thereof, it shall be the duty of the clerk with whom any such statement is filed, forthwith to notify the person making the same, of such failure, and to request him to amend and correct the same.

Statements to
be made under
oath.

SECTION 16. Every person making a statement required by this act shall make oath that the same is in all respects correct and true to the best of his knowledge and belief.

Statements to
be open to
public inspec-
tion.

SECTION 17. All statements which are filed in accordance with the provisions of this act shall be preserved for not less than fifteen months from the time of the election to which they relate, and shall during that period be open to public inspection, under reasonable regulations.

Secretary to
provide blank
forms.

SECTION 18. The secretary of the Commonwealth shall, at the expense of the Commonwealth, provide every city and town with blank forms suitable for such statements and receipts for statements as are required under this act. Said blank forms shall be approved by the secretary, treasurer and auditor of the Commonwealth, or by a majority of them.

Clerk to give
receipt for
statements.

SECTION 19. A clerk of a town or city shall give a receipt for any statement which may be filed with him in accordance with the provisions of this act, at the request of the person filing the same.

Vouchers re-
quired, etc.

SECTION 20. Every payment in respect of any expense incurred, which is to be accounted for under this act shall, unless the total expense payable to the same person is less than five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account required by this act shall be preserved for at least six months from the election to which they relate.

Elections and
nominations
to which this
act shall apply,
etc.

SECTION 21. This act shall apply to all public elections except elections of town officers in towns, and shall apply to elections on the part of the general court and of city councils, and of either branch thereof, to caucuses and conventions for the nomination of candidates to be voted for at such elections, and to nomination papers for

the nomination of candidates to be voted for at such elections, except that sections one, three and ten of this act shall not apply to the proprietors and publishers of publications issued at regular intervals in respect to the ordinary and regular conduct of business as such proprietors and publishers.

SECTION 22. Whoever shall violate any of the provisions of sections one, two, three, six, seven, eleven, twelve, sixteen, seventeen and twenty of this act shall be punished by fine not exceeding one thousand dollars. Whoever shall violate any of the provisions of sections eight, nine and ten of this act shall be punished by fine not exceeding one thousand dollars or by imprisonment in jail for not more than one year, or by both such fine and imprisonment. Penalties.

SECTION 23. This act shall take effect on the first day of August in the year eighteen hundred and ninety-two. To take effect
August 1, 1892.
Approved June 16, 1892.

AN ACT FOR THE PROTECTION OF THE WATER SUPPLY OF THE CITY OF HAVERHILL. Chap. 417

Be it enacted, etc., as follows:

SECTION 1. The city of Haverhill is hereby authorized to take within five years from the passage of this act and hold, by purchase or otherwise, any lands, waters, water rights or easements not already owned or taken by said city, upon or within the watersheds of Round pond, Plug pond, Kenoza lake and Crystal lake, great ponds within said city of Haverhill, or either of them, which shall be deemed necessary for the protection and preservation of said watersheds, or either of them, or for preserving, increasing or protecting the purity of the waters of said great ponds, or either of them. The title to all land taken or purchased under the provisions of this act shall vest in said city, and the land taken may be managed, improved and controlled by the board of water commissioners, in such manner as they shall deem for the best interests of said city. Protection of
water supply.

SECTION 2. The provisions of chapter three hundred and forty-eight of the acts of the year eighteen hundred and ninety-one, so far as applicable thereto, shall govern all takings under the authority of this act. And the city, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, Lands taken to
vest in city, etc.
Provisions
applicable.

May issue
bonds, etc.

Sinking fund.

may issue from time to time bonds, notes and scrip to an amount sufficient for such purposes, in the manner provided by and subject to the limitations and provisions with respect to a sinking fund, and otherwise contained in sections six and seven of chapter three hundred and forty-eight of the acts of the year eighteen hundred and ninety-one.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap. 418 AN ACT RELATING TO THE LOCATION, LAYING OUT AND CONSTRUCTION OF HIGHWAYS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows :

1891, 323, § 2,
amended.

SECTION 1. Section two of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out the word "ten", in the fourth line of said section, and inserting in place thereof the word : — twenty, — and by striking out the words "and one half", in the sixth line, so as to read as follows : — *Section 2.* The treasurer of said city shall from time to time, on the request of the mayor in writing, issue, to the amount or amounts so appropriated, negotiable bonds or certificates of indebtedness, payable in twenty years from their date and bearing interest at a rate not exceeding four per cent. per annum, payable semi-annually, and fixed by said treasurer with the approval of the mayor, and shall sell said bonds and certificates or any part of them, and credit the proceeds thereof, except premiums, to the aforesaid appropriation.

Treasurer may
issue bonds, etc.

1891, 323, § 5,
amended.

SECTION 2. Section five of said chapter is hereby amended by striking out all of said section after the word "hearing", in the seventeenth line, and inserting in place thereof the following words : — and shall, after making any such plan, give a like notice and hearing thereon, and keep the plan open to public inspection for two months after the first advertisement of such hearing. Such plan thereafter, and after alterations deemed necessary by said board have been made thereon, shall be marked as made under the provisions of this act, be signed by said board, and if approved by the mayor of said city, be signed by him, and after being so signed and approved shall be filed in the office of the city surveyor of said city, signed, and the date of said filing attested, by said city surveyor. Nothing in this act shall invalidate or affect any plan or

plans heretofore filed by said board, but such alterations may, at any time or times within three months after the passage of this act, be made on any plan or plans heretofore filed as aforesaid, except as to ways laid out subsequent to such filing as said board and said mayor may in writing approve. Any plan found in the office of said city surveyor bearing the signatures of two or more persons as the board of survey, the signature of a person as the mayor, and the signature of a person as the city surveyor, shall be prima facie evidence that the plan, and all data above specified made thereon, were made under the authority of and in accordance with the provisions of this act, — so as to read as follows: — *Section 5.* The board of survey shall, with all reasonable dispatch, cause to be made under its direction, plans of such territory or sections of land in said city as said board may deem necessary, showing thereon the location of such highway or the locations of such highways, whether already laid out or not, as said board shall be of opinion the present or future interests of the public will require in each territory, showing clearly the directions, widths and grades of each highway, and may employ such assistants and incur such expenses as it may deem necessary therefor. Said board, before making any such plan, shall give a public hearing as to the locations, directions, widths and grades for the highway or highways in the territory to be shown on the plan, after advertising a notice of such hearing twice a week for two weeks in succession in at least two daily newspapers published in said city, the last advertisement to be at least two days before such hearing, and shall, after making any such plan, give a like notice and hearing thereon, and keep the plan open to public inspection for two months after the first advertisement of such hearing. Such plan thereafter, and after alterations deemed necessary by said board have been made thereon, shall be marked as made under the provisions of this act, be signed by said board, and if approved by the mayor of said city, be signed by him, and after being so signed and approved shall be filed in the office of the city surveyor of said city, signed, and the date of said filing attested, by said city surveyor. Nothing in this act shall invalidate or affect any plan or plans heretofore filed by said board, but such alterations may, at any time or times within three months after the passage of this act, be made on any plan or plans

Plans of locations of highways to be prepared, etc.

Plans to be filed in office of city surveyor, etc.

heretofore filed as aforesaid, except as to ways laid out subsequent to such filing as said board and said mayor may in writing approve. Any plan found in the office of said city surveyor bearing the signatures of two or more persons as the board of survey, the signature of a person as the mayor, and the signature of a person as the city surveyor, shall be prima facie evidence that the plan, and all data above-specified made thereon, were made under the authority of and in accordance with the provisions of this act.

1891, 323, § 8
amended.

Powers of
board of street
commissioners.

SECTION 3. Said chapter is hereby amended by striking out section eight, and inserting in place thereof the following new section: — *Section 8.* The powers of the board of street commissioners of said city in regard to highways shall not be abridged by this act in any manner except as provided in this section and in section ten, and the powers given them in this act shall be in addition to the powers now exercised by them. After the passage of this act, in the city of Boston no highway shown on any plan filed as aforesaid shall be laid out, located anew, altered, or widened, and no such highway, whether already or hereafter laid out, shall be constructed by any public authority, until after the passage of an order therefor, as provided in section ten of this act, and then only in accordance with the provisions of this act; and no person or corporation shall hereafter open for public travel any private way into any highway, unless the location, directions, widths and grades of such private way have been approved in writing by said board of street commissioners, and by the mayor; and neither the city nor any other public authority shall place any public sewer, drain, water pipe or lamp in, or do any public work of any kind on, any private way opened to public travel, contrary to the provisions of this act: *provided, however,* that this provision shall not prevent the laying of a trunk sewer, or a water or gas main, as engineering demands may require.

Private ways.

Proviso.

1891, 323, § 9
amended.

SECTION 4. Section nine of said chapter is hereby amended by striking out in the thirteenth line of said section, the words "first advertisement aforesaid", and inserting in place thereof the words: — first advertisement of the first notice given by said board, relating to the plan on which any part of said estate is shown, — and by striking out in the fourteenth and fifteenth lines, the words "by the subsequent establishment or change of the grade of

any highway", and inserting in place thereof the words : — by any subsequent establishment of any grade of any highway or by any subsequent change of any grade of any highway, — so as to read as follows : — *Section 9.* If any building shall hereafter be placed or erected in said city at a grade other than the grade therefor, recorded in the office of the city surveyor, and which the city surveyor shall furnish on the request of the owner of the land on which the building is to be placed, or if any building shall be placed or erected within the boundaries of any way shown on any of the plans hereinbefore provided for, after the filing of the plan as aforesaid, and not removed at the expense of the owner when required by said board of street commissioners, no damage occasioned to the estate, of which the land on which the building was so placed formed a part at the date of the first advertisement of the first notice given by said board, relating to the plan on which any part of said estate is shown, or to any part of said estate, by any subsequent establishment of any grade of any highway or by any subsequent change of any grade of any highway, shall be recovered by, or be paid to, the owner of the whole or of any part of such estate.

Owners of buildings erected at other than prescribed grade, not to recover damage.

SECTION 5. Said chapter is hereby amended by striking out section ten, and inserting in place thereof the following new section : — *Section 10.* Whenever said board of street commissioners shall be of opinion that any way or strip of land in said city should be laid out as a highway, or that any highway therein should be located anew, altered or widened, and constructed by grading and covering with pavement, gravel or other material, or that any one or more of such actions should be taken, said board shall proceed in the manner provided at the date of the passage of this act for laying out highways in said city, and may with the approval of the mayor, pass an order providing therein for the carrying out of any one or more of such actions which they may deem necessary for securing the land required for such highway, or for constructing such highway, or for both purposes, and for any part of such strip, way or highway as lies within any territory or section of land shown on any plan filed as aforesaid, land shall be secured and construction made as aforesaid, only in accordance with the directions, widths and grades shown on said plan, and for any part which does not so lie, then as said board, with the approval of the mayor,

1891, 323, § 10 amended.

Powers and duties of street commissioners in laying out highways.

shall deem proper. Any person whose property is taken in carrying out such order may have the same remedies which are provided at the date of the passage of this act for a person whose property is taken in laying out highways in said city, except as modified by the provisions of section nine. Said board of commissioners shall, if it orders the construction of a highway, prescribe in the order the kind of surface or pavement for the highway, the height and width and the materials for the sidewalks therein, and the sizes and materials for the sewers and their connections, the water pipes and their connections, and the gas pipes and their connections to be laid in the highway, and if the gas company having authority to lay said gas pipes shall certify the proper sizes and materials for the gas pipes and their connections, the said board shall prescribe thereon in accordance with said certificate.

Board to prescribe kind of surface for highway, materials, sizes of pipes laid, etc.

1891, 323, § 11 amended.

Method of determining a parcel of land.

SECTION 6. Said chapter is hereby amended by striking out section eleven, and inserting in place thereof the following new section:— *Section 11.* So much of an estate as lies between the highway as described in the aforesaid order of said street commissioners, and a line drawn one hundred and twenty-five feet from and parallel with the highway, shall, for the purposes of this act, be deemed a parcel of land; but if there is another way within less than two hundred and fifty feet of said highway, and having the same general direction, so much of an estate as lies between said highway and a line drawn midway between said highway and said other way, shall, for the purposes of this act, be deemed a parcel of land.

1891, 323, § 14 amended.

Board of street commissioners to determine assessable cost.

SECTION 7. Said chapter is hereby amended by striking out section fourteen, and inserting in place thereof the following new section:— *Section 14.* Said board of street commissioners shall, after the carrying out of their order, determine the cost incurred thereby, including the expenses, as certified to them by the auditor of said city, of taking land and of all other doings in any laying out, locating anew, altering or widening and constructing the highway, and of the sewers and the laying thereof, and of all other work and materials furnished by or for the city in carrying out their order; shall deduct therefrom the expenses of the city, as certified by said auditor, for water pipes, gas pipes and connections and the laying thereof, and for sewers and connections and the laying thereof,

in excess of four dollars for each and every lineal foot of sewer, and if the highway as laid out, located anew, altered or widened is more than fifty feet in width, shall also deduct such proportion of the said certified expense incurred in laying out, locating anew, altering or widening and constructing the highway, as the width of the highway in feet in excess of fifty bears to the entire width of the highway in feet, but in case of street widenings when the highway as widened is more than fifty feet wide, the deduction shall be of such proportion of such certified expense of such widening and constructing the highway as the width of the highway in feet in excess of fifty feet bears to the total width of the widening of the highway in feet; and the remainder of said cost in each case shall be the assessable cost of the work done under said order.

SECTION 8. Said chapter is hereby amended by striking out section fifteen, and inserting in place thereof the following new section:— *Section 15.* The said assessable cost of the work done under said order shall be assessed upon the several parcels of land as defined in section eleven, as they were at the date of the aforesaid order of said street commissioners, and the amount with interest, to be paid for each parcel for which the parcel shall be liable but for which the owner shall not be personally liable, and for which as a part of the tax thereon a lien shall attach to the parcel, shall be determined by said board of street commissioners in accordance with the proportions in which said board shall determine that the said parcels of land are increased in value by the aforesaid order and the carrying out thereof. Every such amount may be revised and corrected by the said board of street commissioners, subject to appeal therefrom to the superior court to determine such correctness, as is provided in the case of taxes, from the board of assessors. The cost, if any are laid by said superintendent of streets, of the gas pipes and connections and the laying thereof, as determined by said auditor, shall be repaid to said city by the gas company owning the pipes with which the gas pipes laid in said street are connected.

1891, 323, § 16 amended.

Cost to be assessed upon the several parcels.

Amount assessed may be revised by street commissioners, subject to appeal.

Cost of gas pipes, etc., to be repaid to city by gas company.

SECTION 9. Said chapter is hereby amended by striking out section sixteen, and inserting in place thereof the following new section:— *Section 16.* If the amount of the aforesaid assessable cost for which any parcel of land aforesaid is liable, determined as provided in section fifteen, is

1891, 323, § 16 amended.

Payment of assessable cost, etc.

Board to prescribe kind of surface for highway, materials, sizes of pipes laid, etc.

shall deem proper. Any person whose property is taken in carrying out such order may have the same remedies which are provided at the date of the passage of this act for a person whose property is taken in laying out highways in said city, except as modified by the provisions of section nine. Said board of commissioners shall, if it orders the construction of a highway, prescribe in the order the kind of surface or pavement for the highway, the height and width and the materials for the sidewalks therein, and the sizes and materials for the sewers and their connections, the water pipes and their connections, and the gas pipes and their connections to be laid in the highway, and if the gas company having authority to lay said gas pipes shall certify the proper sizes and materials for the gas pipes and their connections, the said board shall prescribe thereon in accordance with said certificate.

1891, 323, § 11 amended.

Method of determining a parcel of land.

SECTION 6. Said chapter is hereby amended by striking out section eleven, and inserting in place thereof the following new section:— *Section 11.* So much of an estate as lies between the highway as described in the aforesaid order of said street commissioners, and a line drawn one hundred and twenty-five feet from and parallel with the highway, shall, for the purposes of this act, be deemed a parcel of land; but if there is another way within less than two hundred and fifty feet of said highway, and having the same general direction, so much of an estate as lies between said highway and a line drawn midway between said highway and said other way, shall, for the purposes of this act, be deemed a parcel of land.

1891, 323, § 14 amended.

Board of street commissioners to determine assessable cost.

SECTION 7. Said chapter is hereby amended by striking out section fourteen, and inserting in place thereof the following new section:— *Section 14.* Said board of street commissioners shall, after the carrying out of their order, determine the cost incurred thereby, including the expenses, as certified to them by the auditor of said city, of taking land and of all other doings in any laying out, locating anew, altering or widening and constructing the highway, and of the sewers and the laying thereof, and of all other work and materials furnished by or for the city in carrying out their order; shall deduct therefrom the expenses of the city, as certified by said auditor, for water pipes, gas pipes and connections and the laying thereof, and for sewers and connections and the laying thereof,

in excess of four dollars for each and every lineal foot of sewer, and if the highway as laid out, located anew, altered or widened is more than fifty feet in width, shall also deduct such proportion of the said certified expense incurred in laying out, locating anew, altering or widening and constructing the highway, as the width of the highway in feet in excess of fifty bears to the entire width of the highway in feet, but in case of street widenings when the highway as widened is more than fifty feet wide, the deduction shall be of such proportion of such certified expense of such widening and constructing the highway as the width of the highway in feet in excess of fifty feet bears to the total width of the widening of the highway in feet; and the remainder of said cost in each case shall be the assessable cost of the work done under said order.

SECTION 8. Said chapter is hereby amended by striking out section fifteen, and inserting in place thereof the following new section:— *Section 15.* The said assessable cost of the work done under said order shall be assessed upon the several parcels of land as defined in section eleven, as they were at the date of the aforesaid order of said street commissioners, and the amount with interest, to be paid for each parcel for which the parcel shall be liable but for which the owner shall not be personally liable, and for which as a part of the tax thereon a lien shall attach to the parcel, shall be determined by said board of street commissioners in accordance with the proportions in which said board shall determine that the said parcels of land are increased in value by the aforesaid order and the carrying out thereof. Every such amount may be revised and corrected by the said board of street commissioners, subject to appeal therefrom to the superior court to determine such correctness, as is provided in the case of taxes, from the board of assessors. The cost, if any are laid by said superintendent of streets, of the gas pipes and connections and the laying thereof, as determined by said auditor, shall be repaid to said city by the gas company owning the pipes with which the gas pipes laid in said street are connected.

1891, 323, § 16 amended.

Cost to be assessed upon the several parcels.

Amount assessed may be revised by street commissioners, subject to appeal.

Cost of gas pipes, etc., to be repaid to city by gas company.

SECTION 9. Said chapter is hereby amended by striking out section sixteen, and inserting in place thereof the following new section:— *Section 16.* If the amount of the aforesaid assessable cost for which any parcel of land aforesaid is liable, determined as provided in section fifteen, is

1891, 323, § 16 amended.

Payment of assessable cost, etc.

not paid before the expiration of one year from the date of said determination, or if such amount as found by the court, on an appeal or other suit or proceeding, is not paid before the last day of May next succeeding the finding of the court, in each case with interest from the date of the passage of the aforesaid order of said street commissioners, at the rate of four and one half per cent. per annum, the board of assessors of said city shall include a sum equal to nine per cent. of such amount in the next and succeeding annual tax bills issued for the tax on the said parcel, and in the tax bills issued the first year shall also include interest on the whole of said amount, at the rate of four and one half per cent. per annum from the date of the aforesaid order to the last day of October of the year of the date of such tax bill, and in the tax bills for each succeeding year shall include one year's interest on the whole of said amount at the aforesaid rate, and shall so include such sums and interest until ten such sums with interest have been paid; said board shall issue tax bills for such sums for any parcels for which no tax bill would otherwise be issued. Every such sum in a tax bill shall be abated, collected and paid into the city treasury, as if a part of and in the same manner as the city taxes.

1891, 323, § 17
amended.

Payment of
balance of
assessable cost,
etc.

SECTION 10. Said chapter is hereby amended by striking out section seventeen, and inserting in place thereof the following new section: — *Section 17.* The owner of any parcel of land aforesaid may at any time pay to said city the balance of the amount of the said assessable cost for which his parcel is liable, remaining due after deducting therefrom the several sums, exclusive of interest, included in tax bills as provided in section sixteen, with interest on the whole amount assessed at the rate of four and one half per centum per annum from the last day of October preceding, to the date of payment, and his parcel shall then be relieved from further lien and liability for said cost, or he may at any time pay a part of said balance, and the board of street commissioners may then, at their discretion, with the approval of the mayor, relieve a proportional part of said parcel from further liability and lien for said cost.

SECTION 11. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT RELATING TO THE CONSTRUCTION, MAINTENANCE AND
INSPECTION OF BUILDINGS IN THE CITY OF BOSTON. *Chap. 419*

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Boston a department, to be called the department for the inspection of buildings, which shall be furnished, at the expense of the city, with office room and such supplies for the transaction of its business as the city council may provide. The compensation of its officers shall be provided for by said city by ordinance.

Department for inspection of buildings.

SECTION 2. The chief officer of said department shall be called the inspector of buildings, and shall be either an architect, builder or civil engineer, and shall be appointed by the mayor and confirmed by the board of aldermen. He shall hold office for the term of three years or until his successor shall be appointed and confirmed, but may be removed by the mayor for malfeasance, incapacity or neglect of duty.

Inspector of buildings.

Term of office.

SECTION 3. The other officers of said department shall consist of a clerk and such number of assistant inspectors and civil engineers as the city council may from time to time by ordinance determine. All of said officers shall be appointed by the inspector, with the approval of the mayor, and shall hold office during good behavior; but may be removed by the inspector, with the approval of the mayor, for malfeasance, incapacity or neglect of duty.

Additional officers, appointment and removal of.

SECTION 4. None of the aforesaid officers of the department shall be employed or engaged in any other business, or be interested in any contract for building or for furnishing materials to be used for building in the city of Boston.

Not to be engaged in other business, etc.

SECTION 5. In case of the temporary absence or disability of the inspector he may appoint one of the assistant inspectors as his deputy, and such deputy shall, during such absence or disability, exercise all the powers of the inspector. The clerk of the department shall, under the direction of the inspector, have supervision and direction of the other officers and employees of said department.

Inspector may appoint a deputy, etc.

SECTION 6. The inspector shall keep a record of the business of said department, submit to the city council a yearly report of such business, ascertain all facts and make all returns required by law relative to steam boilers, and enter, if necessary, upon the premises wherein any fire

Inspector to keep record and make yearly report, etc.

has occurred, in order to investigate the origin of the fire. He may require plans and specifications of any proposed erections or alterations of buildings, to be filed with him, and shall grant permits for such erections or alterations, when in conformity with the requirements of this act.

Buildings to be examined, etc.

SECTION 7. The inspector or his assistants shall examine all buildings in the course of erection or alteration, as often as practicable, and make a record of all violations of this act, with the street and number where such violations are found, the names of the owner, architect and master mechanics, and all other matters relative thereto.

Examination of buildings damaged, etc.

SECTION 8. The inspector or his assistants shall examine all buildings reported dangerous or damaged by fire or accident, and make a record of such examinations, stating the nature and amount of such damage, the name of the street and number of the building, the names of the owner and occupant, and the purpose for which it is occupied, and in case of fire the probable origin thereof; shall examine all buildings for which applications have been made for permits to raise, enlarge, alter, build upon or tear down, and make a record of such examination. The records required by this section shall always be open to the inspection of the engineers of the fire department or any officer of the city, and of any other parties the value of whose property may be affected by the matters to which such records relate.

Records to be open for inspection.

Assistant inspectors to attend fires, etc.

SECTION 9. The assistant inspectors of buildings shall attend all fires occurring in the districts to which they are respectively assigned; shall report to the chief or assistant engineer of the fire department, and present all information they may have relative to the construction and condition of the premises on fire, and of the adjoining buildings.

Duties of engineers, etc.

SECTION 10. It shall be the duty of the engineers, upon the request of the inspector or of the board of appeal hereinafter provided, to make all necessary computations as to the strength of materials, and to furnish expert assistance with regard to the mode of construction of any building subject to the provisions of this act.

Permit for erection of building not to be given until plans, etc., have been inspected.

SECTION 11. The inspector shall not give a permit for the erection of any building until he has carefully inspected the plans and specifications thereof, ascertained that the building has sufficient strength, and that the

means of ingress and egress are sufficient. A copy of the plans and specifications of every public building shall be deposited in the office of the inspector. The inspector may require any applicant for a permit to give notice of the application to any persons whose interests may be affected by the proposed work.

SECTION 12. There shall be in said Boston a board, to be called the board of appeal from the inspector of buildings, which board shall consist of three members, to be appointed as follows:—One person, who shall be appointed by the mayor, with the approval of the board of aldermen, and who shall hold his office for three years from the date of his appointment. One architect, who shall be appointed, with the approval of the mayor, by the Boston chapter of the American society of architects, such appointment being duly certified by the proper recording officer of said chapter, and who shall hold his office for two years from the date of his appointment. One master builder, who shall be appointed, with the approval of the mayor, by the Master Builders' Association, such appointment being duly certified by the proper recording officer of such association, and who shall hold his office for one year from the date of his appointment. The terms of the several members of said board shall be three years each, after the expiration of the first terms. Any member of said board may be removed by the mayor for malfeasance, incapacity or neglect of duty. Each member of said board shall be paid by the city a compensation of five dollars for each hour of actual service, but not exceeding one thousand dollars per annum. The reasonable expenses of said board, including clerical assistance and office expenses if required, shall be paid by the city of Boston. No member of said board shall sit in a case in which he is interested, and in case of such disqualification, or of the necessary absence of any member, the two other members shall appoint a substitute. If two or more members are so disqualified or absent, the inspector shall appoint one substitute, the appellant another, and the two so appointed shall, if necessary, appoint a third.

Board of appeal.

Officers.

Terms of office.

Removals.

Compensation.

Substitutes.

SECTION 13. Any applicant for a permit from the inspector of buildings required by this act, whose application has been refused, or any person who has been ordered by the inspector to incur any expense, may within fifteen days after being notified of such refusal or order, appeal

Appeal in case of refusal of permit by the inspector, etc.

from the decision of the inspector by giving to the inspector notice in writing that he does so appeal. Any person, the value of whose property may be affected by work to be done under any permit granted by the inspector of buildings, may, within three days after the issuing of such permit, appeal by giving to the inspector notice in writing that he does so appeal. All cases in which appeals have been taken as above provided shall be referred to the board of appeal, and said board shall, after hearing, direct the inspector to issue his permit under such conditions, if any, as they may require, or to withhold the same.

Board of appeal, etc., may enter buildings, etc.

SECTION 14. Any member of the board of appeal and any officer of the department for the inspection of buildings may, so far as may be necessary for the performance of his duties, enter any building or premises in the city of Boston.

Buildings not to be erected without permit, etc.

SECTION 15. No building shall be hereafter erected or altered and no work affecting the strength or fire risk of any wall, structure or building in the city of Boston shall be done without a permit from the inspector of buildings nor except in conformity with the provisions of this act.

Provisions to apply to all buildings, etc., except bridges, wharves, etc.

SECTION 16. Every wall, structure, and building hereafter built or altered in said city shall conform to the provisions of this act, except bridges, quays, wharves, and buildings belonging to the government of the United States.

Certain terms defined.

SECTION 17. In this act the following terms shall have the meanings respectively assigned to them: — "Alteration" means any change or addition. "Building of the first class" means building of fireproof construction throughout. "Building of the second class" means all buildings not of the first class, the external and party walls of which are of brick, stone, iron, or other equally substantial and incombustible material. "Building of the third class" means any building not of the first or second class. "Cellar" means a basement or lower story of which one half or more of the height from the floor to the ceiling is below the level of the street adjoining. "Foundation" means that portion of a wall below the level of the street curb, and where the wall is not on a street, that portion of the wall below the level of the highest ground next to the wall; but if under party or partition walls, may be construed by the inspector to mean that portion below

the cellar floor. "Height of a building" means the perpendicular distance of the highest point of the roof above the highest street level of the principal front. "Height of a wall" means the height from the mean grade of the sidewalk or adjoining ground to the highest point of the wall. "Inspector" means the inspector of buildings of the city of Boston. "Lodging house" means a building in which persons are accommodated with sleeping apartments, and includes hotels and apartment houses where cooking is not done in the several apartments. "Party wall" means every wall used, or built in order to be used, as a separation of two or more buildings. "Partition wall" means any interior wall of masonry in a building. "External wall" means every outer wall or vertical enclosure of a building other than a party wall. "Repairs" means the reconstruction or renewal of any existing part of a building, or of its fixtures or appurtenances, by which the strength or fire risk is not affected or modified, and not made, in the opinion of the inspector, for the purpose of converting the building in whole or in part to a new one. "Tenement house" means a building which, or any portion of which, is occupied, or intended to be occupied, as a dwelling by more than three families living independently of one another, and doing their cooking upon the premises; or by more than two families above the second floor, so living and cooking. "Thickness" of a wall means the minimum thickness of such wall.

SECTION 18. The city of Boston may from time to time, by ordinance, extend the building limits in said city, and may establish other limits in any districts of said city, and within such limits every building built after the establishment thereof shall be of the first or second class, and only the following third class structures shall be allowed, viz.: The wharves and sheds on wharves not exceeding twenty-seven feet in height. Sheds not exceeding the same height to be used for market purposes, or to facilitate the building of authorized buildings. Elevators of any height, for the storage of coal and grain, but all external parts of said sheds and elevators shall be covered with slate, tile, metal, or other equally incombustible material, and their mode of construction and location shall be subject to the approval of the inspector.

May extend
building limits,
etc.

STRENGTH OF MATERIALS.

Stresses of
materials.

SECTION 19. The stresses in materials hereafter used in construction, produced by the calculated strains due to their own weight and applied loads, shall not exceed the following: —

*Timber.**Stresses in Pounds per Square Inch.*

| | On Extreme Fibre. | Shearing along Grain. | Compression Perpendicular to Grain. |
|----------------------------|-------------------|-----------------------|-------------------------------------|
| White Pine and Spruce, . | 750 | 80 | 150 |
| White Oak, | 1,000 | 150 | 250 |
| Yellow Pine (long-leaved), | 1,250 | 100 | 250 |

Stresses due to transverse strains combined with direct tension or compression, not to exceed extreme fibre stresses given above.

Deflection. — Modulus of Elasticity.

| | |
|--------------------------------------|-----------|
| White Pine, | 750,000 |
| Spruce, | 900,000 |
| Yellow Pine (long-leaved), | 1,300,000 |
| White Oak, | 860,000 |

For Posts with Flat Ends.

The stresses given in the following table, in which L = length of post, D = least diameter of post, and S = stress per square inch.

| WHITE PINE AND SPRUCE. | | LONG-LEAVED YELLOW PINE. | | WHITE OAK. |
|------------------------|-----|--------------------------|-------|------------|
| $\frac{L}{D}$ | S | $\frac{L}{D}$ | S | S |
| 0 to 10 | 625 | 0 to 15 | 1,000 | 750 |
| 10 " 35 | 500 | 15 " 30 | 875 | 650 |
| 35 " 45 | 375 | 30 " 40 | 750 | 560 |
| 45 " 50 | 250 | 40 " 45 | 625 | 470 |
| | | 45 " 50 | 500 | 375 |

Wrought Iron and Steel.

Stresses in Pounds per Square Inch.

| | W. I. | Steel. | Stresses of materials. |
|---|--------|--------|------------------------|
| Extreme fibre stress, rolled beams, and shapes, | 12,000 | 16,000 | |
| Tension, | 12,000 | 15,000 | |
| Compression in flanges of built beams, . | 10,000 | 12,000 | |
| Shearing, | 9,000 | 10,000 | |
| Direct bearing, including pins and rivets, . | 15,000 | 18,000 | |
| Bending on pins, | 18,000 | 22,500 | |

For columns and members acting as such, ten thousand for iron and twelve thousand for steel, reduced for ratio of length of column to its least radius of gyration by approved modern formulas.

Stresses due to transverse strains, combined with direct tension or compression, not to exceed extreme fibre stress given above for rolled beams and shapes, or in case of built members the above tension and compression stresses.

Compression flanges of beams to be proportioned to resist lateral flexure unless properly stayed or secured against same.

Deflection. — Modulus of Elasticity.

| | |
|------------------|------------|
| Iron, | 27,000,000 |
| Steel, | 29,000,000 |

Stresses for steel are those for “Medium Steel” having an ultimate tensile strength of 60,000 to 68,000 pounds per square inch, an elastic limit of not less than 35,000 pounds per square inch, and a minimum elongation in eight inches of twenty per cent.

Cast Iron.

Stresses in Pounds per Square Inch.

| | |
|--|-------|
| Extreme fibre stress, tension, | 2,500 |
| Extreme fibre stress, compression, | 8,000 |

For Columns.

Stresses of
materials.

The stresses given in the following table, in which L = length of column in feet, D = external diameter, or at least side of rectangle in inches, and S = stress in pounds per square inch.

| ROUND COLUMNS. | | | | RECTANGULAR COLUMNS. | | |
|----------------|---------------------------------------|--|---------------------------|---------------------------------------|--|---------------------------|
| $\frac{L}{D}$ | S Square Faced Bear- ings. | S Round and Faced Bearings. | S Round Bearings. | S Square Faced Bear- ings. | S Round and Faced Bearings. | S Round Bearings. |
| 1.0 | 8,480 | 7,870 | 7,350 | 8,810 | 8,320 | 7,870 |
| 1.1 | 8,210 | 7,540 | 6,970 | 8,600 | 8,080 | 7,540 |
| 1.2 | 7,940 | 7,200 | 6,590 | 8,380 | 7,740 | 7,200 |
| 1.3 | 7,670 | 6,870 | 6,220 | 8,140 | 7,450 | 6,870 |
| 1.4 | 7,390 | 6,540 | 5,860 | 7,910 | 7,160 | 6,540 |
| 1.5 | 7,120 | 6,220 | 5,530 | 7,670 | 6,870 | 6,220 |
| 1.6 | 6,850 | 5,910 | 5,200 | 7,430 | 6,590 | 5,910 |
| 1.7 | 6,580 | 5,620 | 4,900 | 7,190 | 6,310 | 5,620 |
| 1.8 | 6,320 | 5,330 | 4,620 | 6,960 | 6,040 | 5,330 |
| 1.9 | 6,060 | 5,060 | 4,350 | 6,730 | 5,780 | 5,060 |
| 2.0 | 5,810 | 4,810 | 4,100 | 6,490 | 5,530 | 4,810 |
| 2.1 | 5,580 | 4,570 | 3,870 | 6,270 | 5,280 | 4,570 |
| 2.2 | 5,340 | 4,340 | 3,650 | 6,050 | 5,050 | 4,340 |
| 2.3 | 5,120 | 4,120 | 3,440 | 5,830 | 4,830 | 4,120 |
| 2.4 | 4,910 | 3,910 | 3,250 | 5,620 | 4,620 | 3,910 |
| 2.5 | 4,710 | 3,720 | 3,080 | 5,420 | 4,410 | 3,720 |
| 2.6 | 4,510 | 3,540 | 2,910 | 5,230 | 4,220 | 3,540 |
| 2.7 | 4,330 | 3,370 | 2,760 | 5,040 | 4,040 | 3,370 |
| 2.8 | 4,150 | 3,210 | 2,620 | 4,860 | 3,870 | 3,210 |
| 2.9 | 3,980 | 3,060 | 2,480 | 4,680 | 3,700 | 3,060 |
| 3.0 | 3,820 | 2,920 | 2,360 | 4,520 | 3,540 | 2,920 |
| 3.1 | 3,660 | 2,780 | 2,240 | 4,350 | 3,390 | 2,780 |
| 3.2 | 3,520 | 2,660 | 2,130 | 4,200 | 3,250 | 2,660 |
| 3.3 | 3,380 | 2,540 | 2,030 | 4,050 | 3,120 | 2,540 |
| 3.4 | 3,250 | 2,430 | 1,940 | 3,910 | 2,990 | 2,430 |

Stonework.

Stresses in Tons of Two Thousand Pounds per Square Foot.

First quality, dressed beds and builds, laid solid in cement mortar. Stresses of materials.

| | |
|---------------------------------|----|
| Granite, | 60 |
| Marble and limestone, | 40 |
| Sandstone, | 30 |

In cases where poorer mortar is used, to avoid stain from cement, stresses to be less than above, and to be approved by inspector.

In ashlar faced work, no allowance over strength of brickwork is to be made for ashlar less than eight inches thick. For eight inches thick and over, the excess over four inches shall be allowed.

Brickwork.

Stresses in Tons of Two Thousand Pounds per Square Foot.

First class work, of hard burned bricks, and including piers in which height does not exceed six times the least dimensions, laid in —

| | |
|--|----|
| (a) One part cement, two parts sand, | 15 |
| (b) One part cement, one part lime and eight parts sand, | 12 |
| (c) Lime mortar, | 8 |

Brick piers of hard burned bricks, in which height is from six to twelve times the least dimension.

| | |
|-----------------------|----|
| Mortar "a," | 13 |
| Mortar "b," | 10 |
| Mortar "c," | 7 |

For "light hard" bricks, stresses not to exceed two thirds of above.

IN GENERAL.

Stresses for materials and forms of same, not herein mentioned, shall be those determined by best modern authorities.

QUALITY OF MATERIALS.

Quality of
materials.

All materials are to be of good quality for the purpose for which they are to be used, are to conform to legal, trade, and manufacturers' standards, and to be subject to the approval of the inspector.

Mortars.

Mortar.

All mortars shall be made with such proportion of sand as will ensure a proper degree of cohesion and tenacity, and secure thorough adhesion to the material with which they are to be used, and the inspector shall condemn all mortars not so made. The following rules must be complied with:—Mortar below level of water shall be no poorer than one part cement and two parts sand. Mortar for first class buildings shall for one half their height be no poorer than one part cement, two parts sand, above, equal parts of cement and lime, and the proper proportion of sand. Mortar for second class buildings, and for such parts of third class buildings as are below the level of the sidewalk, shall be no poorer than equal parts of lime and cement, with a proper proportion of sand. Mortar for third class buildings above ground shall be no poorer than the best lime mortar. Exceptions by the inspector may be made for mortar used in setting stone where cement will stain.

Alteration or
repairs.

SECTION 20. No alteration or repairs shall be made on any third class building within the building limits without a permit from the inspector of buildings, and no permit to increase the height or area of any such building shall be granted. No permit for the alteration or repair of a third class building within the limits shall be granted if the amount of the outlay proposed exceeds fifty per cent. of the cost of renewing the building.

Third class
buildings.

SECTION 21. No third class building within or without the building limits shall be moved to any position within said limits.

Wooden build-
ings.

SECTION 22. The city council of said city may by ordinance make such requirements, in addition to those contained in this act, as they may deem expedient in relation to the erection and alteration of wooden buildings outside the building limits.

First class
buildings.

SECTION 23. A first class building shall consist of non-inflammable material throughout, with floors con-

structed of iron or steel beams filled in between with terra cotta, or other masonry arches, except that wood may be used for under and upper floors, window and door frames, sashes, doors, standing finish, hand rails for stairs, necessary sleepers bedded in concrete, and for isolated furring blocks bedded in the plaster. There shall be no air space between the top of any floor arches and the floor boarding, and no air space behind any woodwork.

SECTION 24. Every building hereafter erected over seventy feet high shall be a first class building; and this provision shall apply to all buildings hereafter increased in height to over seventy feet. Every building hereafter erected or enlarged as a hotel, for the accommodation of transient guests, and containing more than fifty rooms above the first floor, shall be a first class building.

Buildings over seventy feet high to be first class buildings.

Hotels.

SECTION 25. No building hereafter erected, except spires of churches, shall exceed one hundred and twenty-five feet in height. No building shall be hereafter erected except church spires, of a height greater than two and one half times the width of the widest street or square on which it stands; such width to be measured from the face of the building to the lawfully established line of the street on the other side. If the street is of uneven width, the average width of the part opposite the building shall be taken. If the effective width of the street is increased by an area or setback, the space between the face of the main building and the lawfully established line of the street may be built upon to the height of twenty feet.

Height of buildings.

SECTION 26. Every portion of every structure in process of construction, alteration, repair or removal, and every neighboring structure or portion thereof affected by such process, or by any excavation, shall be properly constructed and sufficiently supported during such process. The inspector may take such measures as the public safety requires to carry this section into effect, and any expense so incurred may be recovered by the city from the owner of the defective structure.

Support during construction, etc.

SECTION 27. Where the nature of the ground requires it, all buildings shall be supported on foundation piles, not more than three feet apart on centres in the direction of the wall and the number, diameter and bearing of such piles shall be sufficient to support the superstructure proposed. Buildings over seventy feet in height shall rest, where the nature of the ground permits, upon at least

Foundation piles, etc.

three rows of piles, or an equivalent number of piles arranged in less than three rows. The inspector shall determine the grade at which the piles shall be cut. All piles shall be capped with block granite levellers, each leveller having a firm bearing on the pile or piles it covers. The inspector may require any applicant for a permit to ascertain by boring the nature of the ground on which he proposes to build.

Foundation.

SECTION 28. Every building shall have a foundation, the bearing of which shall be not less than four feet below any adjoining surface exposed to frost, and such foundation, with the superstructure which it supports, shall not overload the material on which it rests.

Lowest grade
of floor to be
designated by
inspector.

SECTION 29. The inspector of buildings shall designate in every permit for the erection of a new building, the lowest grade at which the floor of the basement story of such building may be laid.

Materials to be
used.

SECTION 30. Foundations shall be built of rubble, block granite or brick laid in mortar, as provided in section nineteen. Foundation walls of rubble shall not be used in buildings over forty feet in height, except third class buildings outside the limits. Where rubble is used, two thirds of the bulk of the wall shall be built of through stone, thoroughly bonded. No round or boulder stone shall be used, and if the foundation is on piles, the lower course shall be of block stone not under sixteen inches high. Foundations of rubble shall be twenty-five per cent. thicker than is required for granite foundations. Foundations of block granite shall be at least eight inches thicker than the walls next above them to a depth of twelve feet below the street grade; and for every additional ten feet, or part thereof, deeper, they shall be increased four inches in thickness. Foundations of brick shall be at least twelve inches thick, and at least four inches thicker than the walls next above them to a depth of twelve feet below the street grade; and for every additional ten feet, or part thereof, deeper, they shall be increased four inches in thickness. Foundations shall be thick enough to resist any lateral pressure, and the inspector may order an increase of thickness for that purpose. The footing shall be of stone or concrete, or both, or of concrete and stepped-up brickwork, of sufficient thickness and area to safely bear the weight to be imposed thereon, and to properly distribute such weight upon the

surface on which it rests. If of concrete, the concrete shall not be less than twelve inches thick. If of stone, the stones shall not be less than sixteen inches in thickness, and at least twelve inches wider than the bottom width of the foundation walls, and at least twelve inches wider on all sides than the bottom width of any piers, columns, or posts resting upon them. All footing stones shall be well bedded, and laid crosswise, edge to edge. If stepped-up footings of brick are used in place of stone, above the concrete, the steps or offsets, if laid in single courses, shall each not exceed one and a half inches; or if laid in double courses, then each shall not exceed three inches.

SECTION 31. The cellar of every dwelling hereafter Cellars.
built on filled or made land, or where the grade or nature of the ground requires, shall be sufficiently protected from water and damp by a bed at least two inches thick over the whole, of concrete, cement and gravel, tar and gravel, or asphalt, or by bricks laid in cement. The space between any floor and the cellar bottom shall be well ventilated. No cellar or basement floor of any building shall be constructed below the grade of twelve feet above mean low water: *provided, however,* that the board of aldermen Proviso.
may, by license, subject to revocation by them at any time for sufficient reason of public health, authorize cellar or basement floors to be constructed in buildings, no part of which is to be used as a dwelling, so much below said grade as they may designate in such license.

SECTION 32. All excavations shall be so protected, by Excavations.
sheet piling if necessary, by the persons causing the same to be made, that the adjoining soil shall not cave in by reason of its own weight. It shall be the duty of the owner of every building to furnish, or cause to be furnished, such support that his building shall not be endangered by any excavation: *provided,* that the owner of Proviso.
any building which is endangered by an excavation carried by an adjoining owner more than ten feet below the grade of the street, may recover the expense so caused of supporting such building from the parties causing such excavations to be made. All permanent excavations within the building limits shall be protected by retaining walls. In case of any failure to comply with the provisions of this section, the inspector may enter upon the premises and may furnish such support as the circum-

stances may require. Any expense so incurred may be recovered by the city from the parties required by law to furnish support.

Brickwork.

SECTION 33. All brickwork shall be of merchantable, well shaped bricks, well laid and bedded, with well filled joints, in mortar, as required by section nineteen, and well flushed up at every course with mortar. Bricks when laid shall be wet or dry, as the inspector may direct.

Walls of brick or stone to be bonded, etc.

SECTION 34. All walls of brick, stone or other similar material shall be well built, properly bonded and tied, and laid with mortar, as required by section nineteen. The inside four inches of any wall may, upon a special permit issued by the inspector, be built of hard burnt, hollow, clay bricks, of quality and dimensions satisfactory to the inspector, and thoroughly tied and bonded into the wall.

Heading or bonding.

SECTION 35. Every eighth course, at least, of a brick wall shall be a heading or bonding course, except where walls are faced with face brick, in which case every eighth course shall be bonded with Flemish headers, or by cutting the corners of the face brick and putting in diagonal headers behind the same.

External and party walls of dwelling houses.

SECTION 36. The external and party walls above the foundation of dwelling houses of the first or second class, hereafter built, not over twenty feet wide, or thirty-three feet high, or forty feet deep, shall be not less than eight inches thick. Such walls of dwellings of the first or second class hereafter built thirty-three feet or over, but not over sixty feet high, shall be not less than twelve inches thick. Such walls of such dwellings sixty feet or over, but not over seventy feet high, shall be sixteen inches to the height of the top of the second floor, and twelve inches for the remaining height. Such walls of such dwellings seventy feet or over, but not over eighty feet high, shall be twenty inches to the top of the second floor, sixteen inches to the top of the upper floor, and to within fifteen feet of the roof, and twelve inches the remaining height. Such walls of such dwellings of eighty feet or more in height shall have for the upper eighty feet the thickness required for buildings between seventy and eighty feet in height, and every section of twenty-five feet or part thereof below such upper eighty feet shall have a thickness of four inches more than is required for the section next above it.

SECTION 37. The external and party walls above the foundation of every building of the first or second class hereafter built, other than dwellings, forty feet or less in height, shall be sixteen inches thick to the top of second floor, and twelve inches for the remaining height. Such walls of such buildings of forty feet or over, but not over sixty feet in height, twenty inches to the top of second floor, sixteen inches the remaining height. Such walls of such buildings of sixty feet or over, but not over eighty feet high, twenty-four inches to the top of the first floor, twenty inches to the top of the upper floor, and to within fifteen feet of the roof, and sixteen inches above. Such walls of such buildings of eighty feet or more in height shall have for the upper eighty feet the thickness required for buildings between seventy and eighty feet in height, and every section of twenty-five feet or part thereof below such upper eighty feet shall have a thickness of four inches more than is required for the section next above it.

Thickness of external and party walls other than dwellings.

SECTION 38. Vaulted walls shall contain, exclusive of withes, the same amount of material as is required for solid walls, and the walls on either side of the air space shall be not less than eight inches thick, and shall be securely tied together with ties not more than two feet apart.

Vaulted walls.

SECTION 39. In reckoning the thickness of walls, no allowance shall be made for ashlar, unless it is eight inches or more thick, in which case the excess over four inches shall be reckoned as part of the thickness of the wall. Ashlar shall be at least four inches thick, and properly held by metal clamps to the backing, or properly bonded to the same.

In thickness of walls no allowance to be made for ashlar.

SECTION 40. External walls may be built in part of iron or steel, and when so built may be of less thickness than is above required for external walls, provided such walls meet the requirements of this act as to strength, and provided that all constructional parts are wholly protected from heat by brick or terra cotta, or by plastering three quarters of an inch thick, with iron furring and wiring.

External walls may be built in part of iron or steel.

SECTION 41. In first and second class buildings all party and bearing partition walls above the foundation shall be of brick, and no such party or partition wall shall hereafter be furred with wood, but all such walls shall be plastered on masonry or on metal lathing.

First and second class buildings.

Walls to be
twelve inches
from roof
boarding.

SECTION 42. In buildings hereafter built all party walls and the partition walls required by this act shall be built through, and at least twelve inches above or distant from, the roof boarding, at the nearest point; shall be entirely covered with stone or metal securely fastened, and corbelled to the outer edge of all projections: *provided*, that a gutter stone of suitable dimensions and properly balanced may be inserted in place of the corbelling.

Proviso.

Openings or
recesses.

SECTION 43. When openings or recesses, or both, occur in an external wall, or when buttresses are used, the piers shall be of sufficient strength to comply with the clauses of this act prescribing strength of materials, and not less in thickness than is above-specified, and no other portion of the wall shall be less than twelve inches thick in buildings under seventy feet in height, or less than sixteen inches thick in buildings seventy feet or over in height.

Flues, etc.

SECTION 44. No recess, chase or flue shall be made in any party wall so deep that it will leave the thickness at the back less than eight inches at any point, and no recess, chase or flue not vertical shall be made without the special permit of the inspector. No vertical recess, other than flues, in stacks, shall be nearer than seven feet to any other recess, unless by special permit of the inspector.

Supports, etc.

SECTION 45. First and second class buildings hereafter built shall have floor bearing supports not over thirty feet apart. These supports may be brick walls, trusses or columns and girders. Such brick walls may be four inches less in thickness than is required by this act for external and party walls of the same height, provided they comply with the provisions of this act as to the strength of materials, but in no case less than twelve inches thick. When trusses are used, the walls upon which they rest shall be at least four inches thicker than is otherwise required by sections thirty-six and thirty-seven, for every addition of twenty-five feet or part thereof to the length of the truss over thirty feet.

Brick partition
walls.

SECTION 46. Second class buildings hereafter built shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls and carried twelve inches above the roof, that no space inside any such building shall exceed in area ten thousand square feet, and no existing wall in any second class building

shall be removed so as to leave an area not so enclosed, of more than ten thousand square feet.

SECTION 47. All walls of a first or second class building meeting at an angle shall be united every ten feet of their height, by anchors made of at least two inches by half an inch wrought iron securely built into the side or partition walls not less than thirty-six inches, and into the front and rear walls at least one half the thickness of such walls. Wall anchors.

SECTION 48. Openings or doorways in party walls or in partition walls required by this act shall not exceed two in number for each floor, and the combined area of such openings on each floor shall not exceed one hundred square feet. Each opening must be provided with two sets of metal covered doors separated by the thickness of wall, hung to rabbeted iron frames, or to iron hinges in brick or iron rabbets: *provided*, that this section shall not apply to theatres. Openings, doorways.
Proviso.

SECTION 49. Every column shall rest upon a cap or plate sufficient to properly distribute the load. Columns set one above another shall have proper connections. All bearing parts of columns or plates shall be turned or planed to true surfaces. The inspector may require columns to be drilled for inspection. Columns.

SECTION 50. Piers and walls shall have caps or plates, where needed, sufficient to properly distribute the load. Piers and walls.

SECTION 51. All weight bearing metal in first and second class buildings hereafter built shall be protected by brick, terra cotta or plastering on metal laths and furring, or other incombustible material approved by the board of appeal. Weight bearing metal protected.

SECTION 52. Upright supports in first and second class buildings hereafter erected or altered, of other material than brick below the first floor, shall be protected by a jacket of brick or terra cotta, at least four inches thick, or by a coating of plaster one inch thick on wire or metal lathing, or other substantial fireproof material. Upright supports protected.

SECTION 53. Partitions supporting floors or roofs shall rest upon girders, trusses or walls. Partitions supporting floors, etc.

SECTION 54. Where a wall is finished with a stone cornice, the greatest weight of material of such cornice shall be on the inside of the face of the wall. All cornices hereafter built or replaced shall be of brick or other incombustible material, and the walls shall be carried up Stone cornices.
Cornices to be built of incombustible material.

to the boarding of the roof; and where the cornice projects above the roof the masonry shall be carried up to the top of the cornice and covered with metal, like parapet walls.

Strength of floors.

SECTION 55. All new or renewed floors shall be so constructed as to carry safely the weight to which the proposed use of the building will subject them; but the least capacity per superficial square foot, exclusive of materials, shall be:—For floors of dwellings, seventy pounds. For office floors, one hundred pounds. For floors of public buildings, one hundred and fifty pounds. For floors of warehouses, stores, storehouses and mercantile buildings of like character, factories, drill rooms and riding schools, two hundred and fifty pounds.

Inspector's certificate of weight.

SECTION 56. In every building hereafter built or altered, there shall be posted and maintained in every room used for mechanical or mercantile purposes, the inspector's certificate of the weight bearing capacity of the floor. No part of any floor of such room shall be loaded beyond its capacity as certified.

Roof or floor timbers.

SECTION 57. All roof or floor timbers entering the same party wall from opposite sides shall have at least four inches solid brickwork between the ends of said timbers.

Wooden floor or roof beams.

SECTION 58. The ends of all wooden floor or roof beams in first and second class buildings shall enter the wall to a depth of at least four inches, unless the wall is properly corbelled so as to give a bearing of at least four inches, and the ends of all such beams shall be so shaped or arranged that in case of fire they may fall without injury to the wall.

Floor beams to be tied with wrought iron straps, etc.

SECTION 59. Each floor in first or second class buildings shall have its beams so tied to the walls and to each other with wrought iron straps or anchors at least three eighths of an inch thick by one and one half inch wide as to form continuous ties across the building not more than ten feet apart. Walls running parallel or nearly parallel with floor beams shall be properly tied once in ten feet to the floor beams by iron straps or anchors of the size above-specified.

Wooden headers or trimmers.

SECTION 60. Every wooden header or trimmer more than four feet long, carrying a floor load of over seventy pounds per square foot, shall, at connections with other beams, be hung in stirrup irons, and joint bolted. All

tail beams, and similar beams of wood, shall be framed or hung in stirrup irons. All iron beams shall have proper connections.

Tall beams.

SECTION 61. Cutting for piping or other purposes shall not be done so as to reduce the strength of the supporting parts below that required by the provisions of this act.

Cutting for piping, etc.

SECTION 62. No part of a floor timber shall be within two inches of any chimney. No studding or furring shall be within one inch of any chimney.

Floor timber not to be within two inches of chimney, etc.

SECTION 63. Every second class building hereafter built, except as hereinafter provided, shall have a sufficient fire stop at each floor, covering the whole floor of each story through all stud partitions, and extending to the masonry walls. Every air duct, except those expressly sanctioned by this act, shall be effectually stopped at each story. Every such fire stop shall consist of a solid, air-tight cohesive layer, at least one inch thick, of tile, brick, terra cotta or like fire made material, plaster, cement, cinder or ashes, or of a combination of the same, or of equally non-inflammable, non-heat conducting materials laid between the upper and under floors, or occupying all the space between the timbers under the under floor: *provided*, that all second class buildings hereafter erected, of forty-five feet or more in height, which are used above the first floor as storage stores, warehouses or stores for the storage and sale of merchandise shall have a tight splined or tongued and grooved under floor of at least two inch plank, with an upper floor one inch thick, matched and breaking joints, and in such buildings fire stops need not be used. The foot of each partition, and of each tier of studding or furring, shall be filled solid between the uprights to the full width thereof, and to the height of six inches above the floor, with the same incombustibles as above prescribed for fire stops or some combination thereof. The spaces between such parts of floor joists as rest upon partition heads shall be filled with the materials above required. The spaces between stringers of staircases and joists of landings, unless unceiled, shall be so stopped with some of the incombustibles above-mentioned, at three places at least in every flight of stairs, as to prevent the passage of air.

Fire stop.

Air duct.

Material for fire stop.

Provided.

Spaces, etc.

SECTION 64. No part of the roof of any first or second class building hereafter built over sixty feet high, to be

Pitch of roof, strength, etc.

| | |
|------------------------------|---|
| Skylights. | used for mercantile, manufacturing or storage purposes, or as a theatre, hotel, apartment house or office building, shall have a pitch of over twenty degrees. All new or renewed roofs shall be so constructed as to bear safely, in addition to the weight of the material, twenty-five pounds per superficial foot of area covered with proper additional allowance for a horizontal wind pressure of thirty pounds per square foot. All thin glass skylights upon roofs shall be covered by a wire netting, when in the opinion of the inspector such protection is needed. |
| Covering of roof. | SECTION 65. The roof of every second class building hereafter built shall be covered with tin, iron, slate, gravel, composition or like substantial roofing material not readily inflammable; if such roof comprises more than one story, or is over twenty feet in height in any part from the nearest floor, such roof shall be of the construction required for first class buildings. |
| Leaders. | SECTION 66. All buildings over forty-five feet high shall have suitable water-tight metallic leaders, and all buildings shall have leaders sufficient to carry all the water to the street, gutter or sewer, in such a manner as not to flow upon the sidewalk, or to cause dampness on any wall, yard or area. |
| Staging, etc. | SECTION 67. No staging or stand for observation purposes shall be constructed or occupied upon the roof of any building in said city. |
| Chimneys, etc. | SECTION 68. No chimney shall be corbelled from a wall more than the thickness of the wall, nor be hung from a wall less than twelve inches thick, nor rest upon wood. All chimneys shall be built of brick, stone or other incombustible material. Brick chimneys shall have walls at least eight inches thick, unless terra cotta flue linings are used, in which case four inches of brickwork may be omitted. Other chimneys shall have walls at least eight inches thick, and shall have in addition a lining of four inches of brickwork, or a terra cotta flue lining. The inside of all brick flues shall have struck joints. No wood furring shall be used against or around any chimney, but the plastering shall be directly on the masonry or on metal lathing. All chimneys shall be topped out at least four feet above the highest point of contact with the roof. No nail shall be driven into the masonry of any chimney. |
| Range and boiler flues, etc. | SECTION 69. Flues of ranges and boilers, and other |

similar flues, shall have the outside exposed to the height of the ceiling, or be plastered directly upon the bricks.

SECTION 70. All hearths shall be supported by trimmer arches of brick or stone; or be of single stones at least six inches thick, built into the chimney and supported by iron beams, one end of which shall be securely built into the masonry of a chimney or an adjoining wall, or which shall otherwise rest upon incombustible support. The brick jambs of every fireplace, range or grate opening shall be at least eight inches wide each, and the backs of such openings shall be at least eight inches thick. All hearths and trimmer arches shall be at least twelve inches longer on either side than the width of such openings, and at least eighteen inches wide in front of the chimney breast. Brickwork over fireplaces and grate openings shall be supported by proper iron bars, or brick or stone arches.

Hearths, jambs, etc.

SECTION 71. Every chimney flue in which soft coal or wood is burned shall be carried to a height sufficient to protect neighboring buildings from fire and smoke.

Chimney flues.

SECTION 72. No smoke pipe shall project through any external wall or window. No smoke pipe shall pass through any wooden partition, without a soapstone ring of the thickness of the partition, and extending four inches from the pipe, or a double metal collar of the thickness of the partition, with a ventilated air space of not less than four inches around the pipe; nor shall be placed within eight inches of any wood unless such wood is plastered and protected by a metal shield two inches distant from the wood, in which case the smoke pipe shall not be less than six inches from the wood. The tops of all heating furnaces set in brick shall be covered with brick, supported by iron bars, and so constructed as to be perfectly tight; said covering to be in addition to and not less than six inches from the ordinary covering of the hot air chamber. The tops of all heating furnaces not set in brick shall be at least eight inches below the nearest wooden beams or ceiling with a shield of tin plate made tight, suspended not less than two inches below such beams or ceiling, and extending one foot beyond the top of the furnace on all sides. All hot air register boxes hereafter placed in the floors or partitions of buildings shall be set in soapstone or equally incombustible borders not less than two inches in width, and shall be made of

Smoke pipes.

Heating furnaces.

Register boxes, etc.

| | |
|--|--|
| May be modified. | tin plate, and have double pipes and boxes properly fitted to the soapstone. Hot air pipes and register boxes shall be at least one inch from any woodwork, and register boxes fifteen inches by twenty-five inches, or larger, and their connecting pipes shall be two inches from any woodwork. The requirements of this section may be modified or dispensed with by the inspector, in first class buildings. |
| Protection of woodwork. | SECTION 73. No woodwork shall be placed within one inch of any metal pipe to be used to convey heated air or steam, unless such pipe is protected by a soapstone or earthen ring or tube, or a metal casing. |
| Boilers to be placed on non-combustible material, enclosed, etc. | SECTION 74. No boiler to be used for steam or motive power, and no furnace, shall be placed on any floor above the cellar floor, unless the same is set on non-combustible beams and arches, and in no case without a permit from the inspector. Every steam boiler in a building to be used for office, mercantile or manufacturing purposes, or to be used as a lodging or tenement house, shall be enclosed in a fireproof room of brick, terra cotta, stone, iron or other similar incombustible material, with openings closed by metal covered doors, hung to rabbeted iron frames, or to iron hinges in brick or iron rabbets. No range, stove, oven or boiler shall be used for cooking in a hotel or restaurant, or for manufacturing purposes, until the same has been examined and approved by the inspector. |
| Exterior parts to be incombustible. | SECTION 75. In every second class building hereafter erected, all exterior parts more than forty-five feet above the sidewalk, except window frame sashes and blinds, shall be made of metal, stone, brick or other equally incombustible material. |
| Outside openings to be protected. | SECTION 76. Outside openings of the classes hereinafter specified, in any first or second class building of more than one story in height, hereafter built or altered, and containing above the first story any room of over six hundred feet area, used for any purpose, except domestic cooking, of greater fire risk than offices, countingrooms and dwelling rooms, shall be protected by shutters. Such shutters shall be covered on both sides with tin or made of other substantial fire resisting material, and hung on the outside, if practicable, and otherwise on the inside either upon independent iron frames, or upon iron hinges rabbeted to the masonry, and made to be handled from |
| Shutters to be made of fire resisting material. | |

the outside. The above requirement shall apply to any opening in any such building, which opening is above and within thirty feet of the roof of another building, or within thirty feet of another opening in an opposite wall, or in a wall the outside face of which diverges at an angle of less than one hundred and thirty-five degrees from the outside face of the wall in which the opening is and leaves an open space between the openings and outside of the walls.

SECTION 77. Elevators or hoists for freight which do not pass the ceiling of the first story may be constructed without fireproof enclosures above the basement. In existing buildings or in buildings hereafter erected in compliance with this act, freight and passenger elevators without fireproof enclosures may be placed in areas or hallways which are continuous and unbroken, no part being separated from another part by an intervening floor: *provided*, that no additional draft of air is thereby created. *Provision.* In such buildings such elevators may pass through the first floor of any area or hallway: *provided*, a fireproof enclosure be carried up to the first floor. Except as above provided, all shafts hereafter built for elevators, hoists, dumb-waiters, lifts, light and ventilating shafts or other air ducts, shall be constructed of, and if they do not pass the upper floor, their tops shall be covered with some substantial material not inflammable. All such shafts which pass the top floor shall be carried at least eighteen inches above the roof and be covered with a skylight. Such shafts already constructed, except lifts twenty-eight inches square, or of less area and except in dwelling houses to be occupied by not more than one family, shall be lined with tin or plastered on wire lathing, or otherwise rendered non-inflammable on the inside. Such shafts hereafter built for freight and passenger elevators shall be of brick at least eight inches thick, or of metal covered on both sides with at least one inch of plaster applied immediately to the metal, or with some other equally substantial non-inflammable non-conducting material. Every entrance opening in a shaft or hoistway within two and one half feet above the floor shall be protected by sufficient rails, gates, trapdoors or such other device as shall be equivalent thereto. Every elevator shall be provided with some sufficient arrangement to prevent the falling of the car in case of accident. Overhead elevator machinery

Elevators for freight, etc.

Provision.

Shafts, etc.

Entrance to shaft, etc.

Elevator machinery.

- shall have underneath it a grille sufficient to protect the car from falling material. Every opening into an elevator shaft or hoistway, and every opening through a floor other than a stairway, shall be closed when not in use. All inside elevator shaft openings, other than openings in passenger elevator shafts, shall be furnished with metal covered doors hung to rabbeted iron frames, and shall have iron thresholds, and said doors shall be kept closed when not in use. Outside windows or openings of every elevator shaft shall have three vertical iron bars painted red, equally dividing the opening. Every part of any elevator not enclosed in a shaft shall be protected by a wire grille.
- Outside windows of elevator shaft.** SECTION 78. No elevator shall be used in any building until after written approval by the inspector.
- Elevator not to be used until approved.** SECTION 79. In case any freight or passenger elevator is not constructed and furnished in compliance with this act, or has become unsafe, the inspector shall post a conspicuous warning and prohibition at each entrance to such elevator. It shall thereafter, until a new written permit is given by the inspector, be a penal offence hereunder to operate said elevator, or remove or deface said notice.
- Warning, etc.** No freight or passenger elevator shall be operated for more than six months after the date of the inspector's permit, unless a certificate signed by some elevator builder that the elevator is safe and in good order has been furnished within six months, and is posted in the car or at the entrance.
- Certificate of safety.** SECTION 80. All buildings over twenty feet high shall have permanent means of access to the roof from the inside. The opening shall be not less than eighteen inches by thirty inches.
- Permanent means of access.** SECTION 81. Every building hereafter built, and every building occupied by more than one family, shall have, with reference to its height, condition, construction, surroundings, character of occupation, and number of occupants, one or more safe means of egress in case of fire.
- Means of egress in case of fire.** SECTION 82. Every schoolhouse two stories or more high, every church, theatre, public building, hall, place of assembly or resort, every building occupied above the second story by two or more families, or as a tenement, boarding or lodging house, or as a factory or workshop, where ten or more persons are employed, shall have at
- Regulations for ways of egress from buildings of more than two stories high.**

least two independent ways of egress, each accessible from each apartment, and one of which shall be enclosed in brick walls, shall have no interior openings other than the doors of the apartments from which it is an exit, and shall be provided with a ventilating skylight which can be operated from the lower hall. All ways of egress from every building shall be kept in good repair. No obstruction shall be placed upon any way of egress from any building. The inspector may permit stairways built for the purpose of complying with this section to project over public ways.

May permit stairways.

SECTION 83. Any owner or lessee responsible for the condition of a building shall be entitled to a certificate, or if the original has been issued, an exhibition of the duplicate thereof on the inspector's records, to the effect that his building is provided with safe means of egress, if and whenever such is the case in the inspector's opinion. Any tenant of or person employed in any private building, and, in the case of any public building or public school, any citizen of Boston shall be entitled to an exhibition of the inspector's record, and if no certificate has been issued may apply to have a certificate or order issued.

Owner, etc., entitled to certificate, etc.

SECTION 84. No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building, or used in any such place or manner as to obstruct or render egress hazardous in case of fire.

Explosives, etc.

SECTION 85. The platforms, landings and stairway steps of every fire escape shall be strong enough to carry a load of seventy pounds to the square foot in addition to the weight of material.

Strength of fire escape landings, etc.

SECTION 86. Except as provided in section eighty-two, no bay window or other structure shall be placed upon any building so as to project over any public way or square, without the permission of the board of aldermen given after due notice and hearing, and then only in such manner as shall be approved by the inspector.

Bay windows.

SECTION 87. Every structure and part thereof, and appurtenance thereto, within the city of Boston, shall be so constructed and maintained in such repair as not to be dangerous, and the owner of any premises within said city, upon notice from the inspector that such premises are dangerous, shall forthwith remedy the cause of danger by removal or repair. In case public safety requires

Structures not to be dangerous.

immediate action, the inspector may forthwith, by repair or temporary protection, prevent danger; or may, subject to appeal as provided for in section thirteen, remove the dangerous structure; and his reasonable and necessary expenses may be recovered by the city of Boston of the owner.

Appeal.

Unsafe buildings.

SECTION 88. Any building which, by defect, accident, decay or overloading, is unsafe, shall be vacated forthwith if and when the inspector shall so order, notwithstanding an appeal from such order be pending. The inspector shall affix and maintain on the exterior of every such building a conspicuous notice of its character. The removing or rendering illegible of such notice shall be a penal offence hereunder.

Changes, alterations, etc.

SECTION 89. In case of any change, alteration or addition not in the nature of ordinary repairs, renewals or restorations, being required under the terms of this act upon a building wholly or partly under lease containing no provision for such a case, the owner shall pay the expense, and may collect of the lessee an additional rent for the portion so leased equal to eight per cent. per annum on that proportion of the sum paid which the leased portion bears to the whole building.

Assembly halls and theatres.

SECTION 90. Every building hereafter so built or altered as to contain an audience or assembly hall, capable of holding eight hundred persons or more, and every theatre hereafter built, shall be a first class building. In all theatres hereafter erected, the level of the stage above the street level shall not exceed five feet. The audience hall and each compartment, division and gallery of every such building shall respectively have at least two independent exits, as far apart as may be. Every such exit shall have a width of at least twenty inches for every hundred persons which the hall, compartment, division or gallery from which it leads is capable of containing: *provided*, that two or more exits of the same aggregate width may be substituted for either of the two exits above required. None of the exits above required shall be less than five feet wide.

Exits.

Frontage, side passages, lobbies, etc.

SECTION 91. Every building of the classes referred to by section ninety hereafter built shall have a frontage as wide as the widest part of the auditorium or assembly hall, including side passages or lobbies, the whole width and height of which frontage shall be upon a street, court,

passageway or area open to the sky, and at least thirty feet wide opposite the entire frontage. Such court, passageway or area shall have an unobstructed way at least thirty feet wide, either through a first class building without openings into any second or third class building, or wholly open to the sky, connecting it with a public street at least thirty feet wide. There shall be at least one exit on this front which shall be in no case less than five feet in width, and of such greater width as an allowance of twenty inches for each one hundred persons which the building may at any time contain will in the aggregate require. There shall be another independent exit of the same capacity, or independent exits of the same aggregate capacity, either through a first class building without openings into any second or third class building, or through a passageway open to the sky. All doors shall open outward, and shall not be so placed as to reduce the width of the passage above required. All aisles, stairways and passages in such buildings shall be of even or increasing width toward the exit, at least seven feet high throughout, without obstruction below that height, properly arranged for the easy egress of the audience, and of a width in respect of each division, gallery or compartment, computed according to the above rule. No aisle or passage in such buildings, rising toward its exit, except stairways from story to story and necessary steps in galleries and balconies, shall have a gradient within the auditorium of more than two in ten, nor elsewhere of more than one in ten.

Exits.

Doors, aisles,
stairways, etc.

SECTION 92. In buildings of the classes referred to in section ninety hereafter built, the cut of the stair stringers shall not exceed seven and one half inches rise, nor be less than ten and one half inches tread. No winders shall be less than seven inches wide at the narrowest part. There shall be no flights of more than fifteen or less than three steps between landings. Every landing shall be at least four feet wide from step to step.

Stair stringers,
etc.

Landings.

SECTION 93. All stairs and landings of all buildings of the classes referred to by section ninety hereafter built shall have throughout proper hand rails on both sides firmly secured to walls, or to strong posts and balusters. Stairways twelve feet or more wide shall have one or more intermediate rails not more than eight feet apart and properly supported.

Stairs, etc.

Boilers, etc.

SECTION 94. No boiler, furnace, engine or heating apparatus, except steam or hot air pipes and radiators, shall be located under the auditorium nor under any passage or stairway of any exit of any building of the classes referred to by section ninety.

Lights for passages, etc.

SECTION 95. The lights for the rear of the auditorium, and for all passages and stairways of exits of every building of the classes referred to by section ninety hereafter built, shall be independent of the lights of the rest of the auditorium and of the platform or stage, and shall be so arranged that they cannot be turned down or off from the platform or stage.

Exits to be opened.

SECTION 96. All exits from every building of the classes referred to by section ninety shall be opened for the use of every departing audience; and shall have fastenings on the inside only. Plans showing the exits and stairways shall be printed on every programme or playbill.

Seats not allowed in aisles, etc.

SECTION 97. No temporary seats or other obstructions shall be allowed in any aisle, passageway or stairway of a building of the classes referred to by section ninety, and no person shall be allowed to remain in any aisle, passageway or stairway of any such building during any performance.

Stage of theatre.

SECTION 98. The stage of every theatre hereafter built shall be separated from the auditorium by a brick wall sixteen inches thick, which wall shall extend the entire width and height of the building, and two feet six inches above the roof, like a party wall. There shall be no openings through this wall except the curtain opening, and not more than two others which shall be located at or below the level of the stage; these latter openings shall not exceed twenty-one superficial feet each, and shall have tinned wood self-closing doors, securely hung to rabbeted iron frames or rabbets in the brickwork. The finish or decorative features around the curtain opening of every theatre shall be of incombustible materials, well secured to masonry. All scenery, curtains and woodwork of the stage of every theatre shall be thoroughly covered, and, if practicable, saturated with fire resisting material. No fixed portion of the stage shall be of wood.

Openings.

Scenery, etc.

Lobbies.

SECTION 99. There shall be lobbies adjoining each division of the auditorium of every theatre hereafter built, separated therefrom by a partition of brick or other equally

incombustible material, and sufficiently large to furnish standing room for all persons that such division may at any time contain. There shall be no openings in such partition except such as are required by section ninety, and such openings shall not be more than eight feet high.

SECTION 100. The proscenium or curtain opening of every theatre shall have a fire resisting curtain of incombustible material, reinforced by wire netting, or otherwise strengthened. If of iron, or similar heavy material, and made to lower from the top, it shall be so contrived as to be stopped securely at a height of seven feet above the stage floor; the remaining opening being closed by a curtain or valance of fire resisting fabric. Such curtain shall be raised at the beginning, and lowered at the end of each and every performance, and shall be of proper material, construction, and mechanism.

Proscenium
curtain.

SECTION 101. All scene docks, carpenter or property shops and wardrobes of every theatre hereafter built shall be separated from the stage, auditorium and dressing room divisions by solid brick walls, not less than twelve inches thick, with no openings to the auditorium or dressing room divisions; and all openings to the stage shall have tinued wood self-closing doors, securely hung to rabbets in the brickwork.

Scene docks,
etc.

Stage openings.

SECTION 102. All rooms in theatres for the use of persons employed therein shall have at least two independent exits. All stage gaslights shall be protected by proper nettings.

Rooms, gas-
lights.

SECTION 103. There shall be one or more ventilators near the centre and above the highest portion of the stage of every theatre, equal in combined area of opening to one tenth of the area of stage floor. Every such ventilator shall have a valve or louver so counterbalanced as to open automatically, and shall be kept closed, when not in use, by a cord reaching to the prompter's desk, and readily operated therefrom. Such cord shall be of combustible material, and so arranged that if it is severed the ventilator will open automatically.

Ventilators.

SECTION 104. There shall be at least two two inch high service standpipes on the stage of every theatre, with ample provision of hose and nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by any audience. The said pipes shall have two gates, one above the other,

Standpipes,
hose, etc.

with a proper test or waste valve; the lower gate to be kept open at all times. The proscenium opening of every theatre shall be provided with a two and one half inch perforated iron pipe or equivalent equipment of automatic or open sprinklers, as the inspector may direct, so constructed as to form when in operation a complete water curtain for the entire proscenium opening, and there shall be for the rest of the stage a complete system of fire apparatus and perforated iron pipes, automatic or open sprinklers. Said pipes or sprinklers shall be supplied with water by high pressure service, and be at all times ready for use.

Halls, etc., to be ventilated.

SECTION 105. Every hall, auditorium or room of every building hereafter erected for or converted to use as a schoolhouse, factory, theatre or place of public assembly or entertainment shall have in continuous operation while occupied a system of ventilation so contrived as to provide fifty cubic feet per minute of outer air for each light other than an electric light for each occupant.

Buildings occupied by more than one family not to have closets underneath first story staircase.

SECTION 106. Every building in the city of Boston hereafter built, any portion of which is to be occupied above the second story by more than one family, shall be a first or second class building, and every building hereafter erected or enlarged, to be occupied as a lodging house, a tenement house or dwelling house, of five stories or more in height, shall have the basement and first story constructed in the manner provided for a first class building in section twenty-three of this act, and in such buildings no closet shall be constructed underneath the first story staircase.

Exterior walls of lodging houses.

SECTION 107. The exterior walls of every building hereafter erected for or converted to use as a tenement or lodging house, and not having an exposure on an open space, street, court or passageway more than twenty feet in width, shall not exceed thirty feet in height.

Tenement and lodging houses to have open spaces, etc.

SECTION 108. No building hereafter erected for or converted to use as a tenement or lodging house, and no building hereafter enlarged for said purposes shall occupy above the level of the second floor more than three fourths of the area of the lot measured to the middle line of the street or streets, or passageways, on which it abuts. Every such building shall have on at least two exposures on land of the owner or as part of public ways, open spaces of at least ten feet in width, which spaces shall

have an aggregate length of one foot for every twenty-five square feet of superficial area actually occupied by the building. Such spaces shall be open to the sky, and shall remain undiminished so long as the building is occupied as a tenement or lodging house.

SECTION 109. Every existing tenement or lodging house shall have in every sleeping room, not communicating directly with the external air, two ventilating or transom windows of not less than six square feet area each, one opening into another room or passage having an external window of not less than six square feet area, with movable sashes. No transom window shall be placed in a partition wall enclosing a main stairway.

Sleeping rooms to have transom windows.

SECTION 110. Every room in every tenement or lodging house hereafter built, and in every building hereafter altered to be used as such, shall be not less than eight feet in height in the clear in every story, except that in the attic it may be less than eight feet high for one half the area of the room. Every such room shall have one or more windows on an open air space with an area at least one tenth as great as that of the room. The top of at least one window on such air space in each room shall be at least seven feet six inches from the floor, and the upper sash of the same window shall be movable.

Height of rooms in tenement houses, etc.

Open air space.

SECTION 111. No building of which any part is used for storage or sale of hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene or any inflammable oil, or other highly combustible substance, shall be occupied in any part as a dwelling, tenement or lodging house, except that rooms for coachmen or grooms may be allowed in private stables authorized by this act, upon special permit from the inspector.

Buildings used for storage of combustible materials not to be used as dwellings.

SECTION 112. All receptacles for ashes, waste and other substances, liable, by spontaneous combustion, or otherwise, to cause a fire shall be made of incombustible material satisfactory to the inspector. Every building used as a tenement or lodging house shall have outside and appurtenant to it a suitable space satisfactory to the inspector for the temporary deposit of garbage and other refuse matter.

Receptacles for ashes, etc.

SECTION 113. Every lodging house containing over fifty rooms above the first floor, and every tenement house containing more than fifty sleeping rooms above the first floor, shall have at least one night watchman exclusively

Watchman.

- so employed on duty every night from nine o'clock at night until six o'clock in the morning; and every lodging house of the second or third class containing more than one hundred rooms above the first floor, and every tenement house containing more than one hundred sleeping rooms above the first floor, shall have at least two night watchmen exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning. But in the latter class of lodging and tenement houses, a proper system of thermostats, or automatic fire alarms, approved in writing by the inspector, may be substituted for one of the watchmen. In all lodging or tenement houses of either of the above classes a red light shall be kept burning at night at the head and foot of every flight of stairs, and one or more gongs shall be so placed, and be of such size and number, as to give the alarm throughout the house in case of fire; and in every sleeping room there shall be conspicuously posted directions for escape in case of fire. The inspector may make such other or further requirements for prevention of and escape from fire as may be reasonably necessary under the conditions of each case. Any innholder who fails to comply with the provisions of this section shall thereby forfeit his license.
- Automatic fire alarms.** **Red light, gongs, etc.** **Penalty.** **Water-closets.** **Stables not to be built without consent of mayor and aldermen, etc.**
- SECTION 114.** Every dwelling, tenement or lodging house, every schoolhouse, and every building where operatives are employed, shall have at least one water-closet or privy, and at least one water-closet or privy for every twenty persons therein living, attending or employed; and in buildings where operatives of both sexes are employed, separate accommodations shall be furnished for men and women. Privies or cesspools shall not be allowed where a sewer makes water-closets practicable. Every water-closet in every building hereafter erected for, or converted to use as a tenement house, family hotel or apartment house, shall have a window on the open air.
- SECTION 115.** No building, any part of which is within the limits or within forty feet of the property of any adjoining owner, shall be erected for or converted to use as a stable, without the consent of the mayor and aldermen after public hearing had, after written notice to the adjoining owners, and after public notice published at least three times, and at least ten days before the hearing, in at least two newspapers published in Boston.

SECTION 116. No grain elevator, or building for the storing or manufacture of high combustibles or explosives, or for chemical or rendering works, shall be erected, and no engine, dynamo, boiler or furnace, except exclusively for the heating of, or to raise elevators in the building in which it is, shall be placed in any building without a permit issued under the provisions of the following sections.

Grain elevators,
etc.

SECTION 117. Every application for a permit required by section one hundred and sixteen, shall be filed with the inspector in writing, and shall set forth the location and character of the building, the size, power and purpose of the apparatus, with such further information as the inspector may require.

Permits to be
filed, etc.

SECTION 118. Every such application shall be published in at least two daily papers published in Boston, and at least three days in each; and the applicant shall also, if so directed by the inspector, conspicuously post on the premises a copy of an application, and deliver copies thereof to such persons as the inspector may direct, and shall file an affidavit with the inspector that the notice required has been duly given. If no objection is filed with the inspector before the expiration of ten days from the time of the first publication of notice, or within ten days of the delivery and first posting of notice if required, the inspector shall, if the arrangement, location and construction of the proposed apparatus is proper, and in accordance with the terms of this act, issue a permit for the same. But if such objection is filed, the application shall be referred to the board of appeal, the chairman of the board of health, and the chairman of the board of fire commissioners, together sitting as a commission, or such members of said boards respectively as, in case of the absence or disability of the chairman, the standing members of the board of appeal, or their duly appointed substitutes, shall in each case appoint. The two members of said commission sitting with the board of appeal shall receive the same compensation as the members of that board.

Application to
be published,
etc.

SECTION 119. Said commission shall in each case cause due notice to be given to all parties of the time and place of hearing, and after hearing the parties shall authorize the inspector to issue a permit, under such conditions as may be prescribed by said commission, or to withhold the same. If the permit is refused, the appli-

Inspector to
issue permit
after hearing,
etc.

cant, and if it is granted, the objectors, shall pay such costs as the commission may determine.

Business of plumbing regulated.

SECTION 120. No person shall carry on the business of plumbing unless he is a plumber and shall have first registered his name and place of business in the office of the inspector of buildings; and notice of any change in the place of business of a registered plumber shall be immediately given to said inspector.

Work subject to approval of inspector.

SECTION 121. Every plumber, before doing any work in a building shall, except in the case of the repair of leaks, file at the office of the said inspector, upon blanks for that purpose, a notice of the work to be performed; and no such work shall be done in any building without the approval of said inspector.

To be connected with public sewer.

SECTION 122. The plumbing of every building shall be separately and independently connected with the public sewer, when such sewer is provided, or with a proper and sufficient drain connected thereto outside of the building; and if a sewer is not accessible, with a proper cesspool.

Pipes not to be covered until approved.

SECTION 123. Pipes and other fixtures shall not be covered or concealed from view until approved by the inspector, who shall examine the same within two working days after notice that they are ready for inspection.

Work to be tested.

SECTION 124. Plumbing work shall not be used unless the same has first been tested in the presence of the inspector with the water test, or if that is not practicable, with the peppermint or other reliable test, and approved by him in writing.

Drain and ventilating pipes.

SECTION 125. Drain and connecting ventilating pipes shall be of sufficient size, and made of cast iron within the building, and for a distance of at least ten feet outside, except that lead pipes may be used for short connections exposed to view. Such pipes shall be of uniform thickness throughout, and shall have an average weight not less than that below specified, viz. : —

| | | |
|---------------|-----------|----------------------|
| 2-inch pipe, | | 5½ pounds per foot. |
| 3-inch pipe, | | 9½ pounds per foot. |
| 4-inch pipe, | | 13 pounds per foot. |
| 5-inch pipe, | | 17 pounds per foot. |
| 6-inch pipe, | | 20 pounds per foot. |
| 8-inch pipe, | | 33½ pounds per foot. |
| 10-inch pipe, | | 45 pounds per foot. |
| 12-inch pipe, | | 54 pounds per foot. |

How secured.

Drainpipes shall be properly secured by irons to walls, laid in trenches to uniform grade, or suspended to floor

timbers by strong iron hangers. Every drainpipe shall be supplied with a suitable trap, placed with an accessible clean-out, at or near the point where it leaves the building, and shall have a proper fall. Drainpipes shall be carried above the roof open and undiminished in size, and to a sufficient height not less than two feet above the roof, and not less than five feet above the top of any window within fifteen feet. Changes in direction shall be made with curved pipes, and all connections with horizontal or vertical pipes shall be made with Y branches. All drainpipes shall be exposed to sight where practicable within the building, and shall not be exposed to pressure where they pass through walls. Every part of every drainpipe below a cellar floor shall be laid in a brick trench with a concrete base, and shall be accessible through sufficient unattached covers.

Open above
roof.

To be exposed
to sight.

SECTION 126. Rain water leaders when connected with soil or drainpipes shall be suitably trapped.

Rain water
leaders.

SECTION 127. Iron pipes used in plumbing shall, before being put in place, be first tested by the water or kerosene test, and then coated inside and out with coal tar pitch, applied hot, or with paint, or with some equivalent substance. Joints shall be run full with molten lead, and thoroughly calked and made tight. Connections of lead pipes with iron pipes shall be made with brass ferrules, properly soldered and calked to the iron.

Iron pipes to be
tested and
coated, etc.

SECTION 128. The waste pipe of each and every sink, basin, bath tub, water-closet, slop hopper, and of each set of trays or other fixtures, shall be furnished with a separate trap, which shall be placed as near as practicable to the fixture that it serves. Traps shall be protected from siphonage or air pressure by special cast iron air pipes of a size not less than the waste pipes they serve placed outside or below the trap. Lead air pipes may be used only where they are exposed to view. Air pipes for water-closet traps shall be of two inch bore if thirty feet or less in length, and of three inch bore if more than thirty feet in length. Air pipes shall be run as direct as practicable. Two or more air pipes may be connected together or with a drainpipe; but in every case of connection with a drainpipe such connection shall be above the upper fixture of the building.

Waste pipes to
be trapped.

Air pipes for
traps.

SECTION 129. Drip or overflow pipes, from safes under water-closets and other fixtures, or from tanks or

Drip or over-
flow pipes.

cisterns, shall be run to some place in open sight, and in no case shall any such pipe be connected directly with a drainpipe. No waste pipe from a refrigerator, or other receptacle in which provisions are stored, shall be connected with a drainpipe or other waste pipe.

Water for closets; how supplied.

SECTION 130. Every water-closet, or line of water-closets on the same floor, shall be supplied with water from a tank or cistern, and shall have a flushing pipe of not less than one inch in diameter; but this requirement shall not apply to water-closets substituted for vaults, where the same are located outside of the building proper; and such water-closets may be arranged so as to receive their supply directly from the main, with proper fixtures approved by the inspector, the water board, and the board of health.

Privy vault.

SECTION 131. Every privy vault shall be of brick and cement, of a capacity not less than eighty cubic feet, of easy access, convenient to open and clean, and made tight. The inside shall be at least two feet from the next lot, and from any public or private way.

Steam exhaust.

SECTION 132. No steam exhaust shall be connected with any public sewer or with any soil or waste pipe or drain which communicates with a public sewer.

Water pipes to be protected.

SECTION 133. Water pipes in exposed places shall be properly protected from frost.

Grease trap.

SECTION 134. A grease trap shall be constructed under the sink of every hotel, eating house, restaurant or other public cooking establishment so as to be easily accessible for inspection and cleaning.

Ordinances to remain in force until amended, etc.

SECTION 135. All ordinances and parts of ordinances of the city of Boston now in force relating to the building limits and the inspection and survey of buildings shall remain in force until amended or repealed by said city. Said city may, by ordinance, regulate the management and inspection of elevator hoistways and elevator shafts in said city. The officers of the department for the inspection of buildings of said city shall continue to hold office for the terms for which they were appointed, and until their successors are appointed in accordance with this act, unless sooner removed.

Officers to continue in office, etc.

Courts to enforce provisions of law and may issue injunction.

SECTION 136. Any court having equity jurisdiction, in term time or vacation, may, on the application of the inspector, by any suitable process or decree in equity, enforce the provisions of this act, and may, on such appli-

cation, issue an injunction to restrain the erection, alteration, use or occupation of any building or structure in the city of Boston, erected, altered, maintained or used in violation of this act.

SECTION 137. Any person who shall build or alter any wall, building or other structure, or part thereof, in violation of any provision of this act, or who shall, after twenty-four hours' notice from the inspector, maintain or use any such wall, building or other structure, or part thereof, so built or altered, or shall violate any provision of this act, shall be punished by a fine not exceeding one thousand dollars, to be paid into the treasury of the city of Boston. Penalty for violation.

SECTION 138. Sections forty to fifty-three inclusive of chapter one hundred and two of the Public Statutes are hereby repealed in so far as they relate to the city of Boston. Chapter one hundred and twenty-four of the acts of the year eighteen hundred and ten, chapter three hundred and sixty-nine of the acts of the year eighteen hundred and sixty-nine, chapter one hundred and ninety-two of the acts of the year eighteen hundred and seventy-eight, chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty-two, chapter one hundred and seventy-three and chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-three, chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty-four, chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-five, sections two, four and five to ten inclusive of chapter three hundred and eighty-two of the acts of the same year, chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-eight, so far as it relates to the city of Boston, sections one to eight inclusive of chapter four hundred and twenty-six of the acts of the same year, so far as they relate to the city of Boston, and all acts and parts of acts inconsistent herewith, are hereby repealed. Repeal. All provisions of this act, which are the same in effect as those hereinbefore repealed, shall be construed as continuations and reenactments, and in all such cases the provisions shall take effect as of the date when they were first enacted. Act construed. No repeal hereby enacted shall have the effect of reviving any act or part of an act heretofore repealed.

Approved June 16, 1892.

Chap.420 AN ACT FOR THE IMPROVEMENT OF THE LANDS BELONGING TO THE COMMONWEALTH AT PROVINCETOWN IN THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

Improvement of
lands at
Provincetown.

SECTION 1. The Trustees of Public Reservations, created by chapter three hundred and fifty-two of the acts of the year eighteen hundred and ninety-one, are hereby authorized to make maps and plans of the lands belonging to the Commonwealth at Provincetown, in the county of Barnstable, not occupied by buildings, and to collect such other information in relation thereto as they may deem expedient, and shall report to the next general court on or before the first Wednesday of February a comprehensive plan for improving said lands.

Trustees not to
receive compensation.

SECTION 2. Said trustees shall receive no compensation but may employ such assistants as they may deem necessary, and may expend such sums therefor and in the discharge of their duties, including the actual travelling expenses of said trustees, as the governor and council may determine.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.421 AN ACT TO PROVIDE A DISTRIBUTING AND HIGHER SERVICE RESERVOIR FOR THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

May purchase
lands, etc., for
better distribution
of water.

SECTION 1. For the purpose of better distributing its water supply and giving to its inhabitants higher water service for the extinguishment of fires and for domestic and other purposes, the city of Cambridge may, within one year from the passage of this act, take and hold, by purchase or otherwise, on the high lands of either Watertown, Belmont or Waltham, any land, rights of way, easements and real estate necessary for constructing, maintaining and protecting a distributing reservoir, and also whatever may be necessary for laying, constructing, maintaining and protecting suitable aqueducts, pipes, water courses and other works to convey water, from Fresh pond in Cambridge and from Stony brook in Waltham and Weston, into such distributing reservoir and out of the same into and through said city of Cambridge.

Description of
land taken to be
recorded, etc.

SECTION 2. Within sixty days after taking any lands, rights of way, easements or real estate aforesaid, other-

wise than by purchase, for the purposes of this act, said city of Cambridge shall cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor.

SECTION 3. Said city of Cambridge may also, for the purpose aforesaid, carry any pipe, drain or aqueduct over or under any river, water course, street, railroad, public way, highway or other way in such manner as not unnecessarily to obstruct the same; and may enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct; and may do any other things necessary and proper in executing the purposes of this act.

May carry pipes, drains, etc., over or under river, water course, street, etc.

SECTION 4. If said city enters upon and digs up, for the purposes aforesaid, or, by reason of anything authorized by this act, injures any road, street or way which is outside the limits of said city, it shall be subject to such reasonable regulations as may be prescribed by the aldermen of the city or selectmen of the town in which such road, street or way is located, and shall restore the same to as good order and condition as it was in when such digging commenced or before such injury occurred; and the work shall be done and all repairs made in such manner and with such care as not to render any road, street or way in which such pipes or aqueducts are laid unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times indemnify and save harmless any such city or town which is liable to keep in repair any road, street or way aforesaid, against all damages and costs which may be recovered against it, and shall reimburse to it all expense which it shall reasonably incur in the defence of suits or otherwise, by reason of any defect or want of repair in such road, street or way, caused by the placing, maintenance, repairing or replacing of said pipes or aqueducts, or by reason of any injury to persons or property caused by any defect or want of repair in any of the same: *provided*, that said city of Cambridge has notice of any claim or suit for such damage or injury and an opportunity to assume the defence thereof.

Roads, etc., to be restored to good order and condition, etc.

Indemnity against damages.

Proviso.

SECTION 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of

Damages to be paid by city.

or injury to any of their land, rights of way, easements or property, or by the constructing or repairing of any aqueduct, reservoir or other works for the purposes aforesaid. If any person sustaining damage, as aforesaid, does not agree with said city upon the amount of said damage, he may, within two years from such taking and not afterwards, apply by petition for an assessment of the damage to the superior court in said county of Middlesex. Such petition may be filed in the clerk's office of said court and the clerk shall thereupon issue a summons to the said city, returnable on the first Monday of the next month, after the expiration of fourteen days from the filing of the petition, to appear and answer to the petition. The summons shall be served fourteen days at least before the day at which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who serves the same, with the clerk of said city; and the court may, upon default or hearing of said city, appoint three disinterested persons who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, together with interest at the rate of four per centum per annum from the date of the actual entry and taking of possession by said city. And the award of the persons so appointed or a major part of them, being returned into and accepted by the court, shall be final; and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of the parties claims a trial by jury as hereinafter provided.

Award.

Parties dissatisfied may have amount fixed by jury.

SECTION 6. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the sitting at which such award was accepted, or the next sitting thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages and to assess the amount thereof, with interest as aforesaid; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

City may tender amount for damage, etc.

SECTION 7. In every case of a petition to the superior court for an assessment of damages, as provided in this

act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court or offer of judgment, and shall not be entitled to either costs or interest afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

SECTION 8. All the rights, powers and authority given to the city of Cambridge by this act shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint. Rights, etc.

SECTION 9. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT TO PROVIDE FOR THE PAYMENT OF TRANSPORTATION OF STATE PUBLICATIONS FURNISHED TO FREE PUBLIC LIBRARIES.

Chap. 422

Be it enacted, etc., as follows:

SECTION 1. The expense of transportation of the state publications which are supplied to the free public libraries of the Commonwealth by the secretary of the Commonwealth shall be prepaid. Transportation of state publications.

SECTION 2. There shall be allowed and paid from the treasury annually, a sum not exceeding five hundred dollars, to defray the expense of carrying out the provisions of the preceding section. Expense not to exceed \$500.

Approved June 16, 1892.

AN ACT AUTHORIZING THE AUTHORITIES OF VERMONT TO DETAIN AND TRANSPORT PRISONERS IN AND THROUGH MASSACHUSETTS.

Chap. 423

Be it enacted, etc., as follows:

The authorities of the state of Vermont shall have the same power and authority to detain and transport, through the Commonwealth of Massachusetts, persons convicted in Vermont of offences and sentenced to be confined in any penal institution in the state of Vermont, which they have to detain and transport them in said state of Vermont. Vermont may detain and transport prisoners through this Commonwealth.

Approved June 16, 1892.

Chap.424**AN ACT TO DISSOLVE THE RAPID TRANSIT COMMISSION.***Be it enacted, etc., as follows :***Rapid transit
commission
dissolved.**

SECTION 1. The commission established by chapter three hundred and sixty-five of the acts of the year eighteen hundred and ninety-one, known as the rapid transit commission, is hereby dissolved. This act shall not be construed to authorize the payment of any salaries or expenses of said commission, or its officers or agents not otherwise authorized.

SECTION 2. This act shall take effect upon its passage.

*Approved June 16, 1892.***Chap.425****AN ACT TO PROVIDE FOR THE BUILDING OF AN ASYLUM FOR THE CHRONIC INSANE.***Be it enacted, etc., as follows :***Medfield Insane
Asylum.****Trustees, terms
of office.****Removals.****Vacancies.****Building com-
mittee to con-
sist of three
members of
board, compen-
sation, etc.**

SECTION 1. The governor with the advice and consent of the council shall appoint seven persons, two of whom shall be women, who shall constitute a board of trustees of the new asylum for the chronic insane, to be designated and known as the Medfield Insane Asylum, and who shall hold office for terms of one, two, three, four, five, six and seven years, respectively, beginning with the third Wednesday in June in the present year, and until their respective successors are appointed and qualified; and previous to the first Monday in May in each year hereafter, the governor shall in like manner appoint one trustee to hold office for the term of seven years, beginning with the third Wednesday in June of the year of his appointment, and until his successor is appointed and qualified. They shall receive their actual travelling expenses and shall serve without compensation, except as hereinafter provided. Any such trustee may be removed by the governor with the advice and consent of the council for such cause as they may deem sufficient, which cause shall be assigned in the order for removal. Any vacancy occurring in said board shall be filled in like manner for the unexpired term. Said board of trustees when organized, shall choose a committee of three of its members, to be known as the building committee, who shall have the entire charge of the construction of said hospital buildings, and shall receive such compensation as the governor and council may determine, not exceeding in the aggregate the sum of sixty-five hundred dollars a year,

for a term not extending beyond the first day of July in the year eighteen hundred and ninety-four, which shall be paid out of the treasury of the Commonwealth.

SECTION 2. The building committee of the trustees shall cause to be erected on the lands recently purchased for that purpose in the towns of Medfield and Dover, suitable buildings for an asylum for the chronic insane, sufficient for the accommodation of one thousand patients, a superintendent, steward, assistant physicians, and their families, and all necessary subordinate officers and attendants, substantially in accordance with the plans, specifications and estimates submitted by the commissioners appointed under authority of chapter four hundred and forty-five of the acts of the year eighteen hundred and ninety, entitled an act to provide for the building of an asylum for the chronic insane in eastern Massachusetts, and shall provide for the equipment, including heating, cooking, illuminating, ventilating, intercommunicating, plumbing, water supply, laundry and sewerage fixtures, pipes, apparatuses and machinery of such buildings. And the said building committee of the trustees shall have power to make all contracts and to employ all agents necessary to carry into effect the provisions of this act: *provided*, that all contracts for the erection of buildings and the completion thereof and equipment of the same with said fixtures, pipes, apparatuses and machinery, and the purchase of materials and supplies therefor, shall be approved by the governor and council; and *provided, further*, that the aggregate expenses and liabilities incurred by virtue thereof shall not exceed the sum of five hundred thousand dollars, exclusive of the compensation provided for the building committee. The said building committee shall present all their accounts to the state auditor for examination and approval.

Buildings to be erected to accommodate 1,000 patients, etc.

Proviso.

SECTION 3. To meet the expenses incurred by said building committee under the provisions of this act, there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred thousand dollars, in addition to any amount necessary for compensation and expenses of the trustees, as provided in section one: *provided, however*, that no more than one hundred and fifty thousand dollars shall be appropriated during the year eighteen hundred and ninety-two, two hundred thousand dollars during the year eighteen hundred and

Expense of buildings not to exceed \$500,000.

Proviso.

ninety-three, and one hundred and fifty thousand dollars during the year eighteen hundred and ninety-four.

Trustees to
notify the gov-
ernor on com-
pletion.

SECTION 4. Whenever the asylum buildings are so far completed that in their opinion patients may properly be received therein, the trustees shall so notify the governor, who shall thereupon issue his proclamation establishing the Medfield Insane Asylum; and thereafter, except as herein otherwise provided, all the laws relative to state lunatic hospitals and to persons committed thereto on the ground of insanity, so far as they may be applicable, shall apply to said asylum and to persons committed thereto: *provided*, that no patient shall be admitted to said asylum except as transferred thereto by the state board of lunacy and charity from one of the state lunatic hospitals or the Worcester insane asylum; and *provided, further*, that the price for the support of state, city and town paupers shall not exceed two dollars and eighty cents a week for each person.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap. 426 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO AID IN THE CONSTRUCTION OF A STREET RAILWAY.

Be it enacted, etc., as follows:

Street railway
company.

SECTION 1. The town of Stoneham is authorized to subscribe for and hold shares of the capital stock of a street railway company to be formed for the purpose of the construction and equipment of a street railway from Central square in Stoneham to the Boston and Maine Railroad station in the city of Malden, to an amount not exceeding fifty thousand dollars: *provided*, that two thirds of the legal voters of said town of Stoneham, present and voting by ballot and using the check list, at a legal meeting called for the purpose, vote so to subscribe.

Proviso.

May issue
bonds, etc.

SECTION 2. Said town of Stoneham may raise money to pay for the stock subscribed for as above provided, by loan, and may issue bonds, notes or scrip for the amount of such loan, signed by the treasurer and countersigned by the selectmen of the town, payable in periods not exceeding thirty years from the date of issue, bearing interest at a rate not exceeding five per cent. per annum, and otherwise subject to the general provisions of law relating to municipal indebtedness. And the selectmen of said town, or such other persons as the town may

Town to be rep-
resented upon
stock vote.

appoint, may represent the town at all meetings of the street railway company, and vote upon all shares owned by the town.

SECTION 3. Any vote of the town of Stoneham in conformity with the above provisions, at a meeting legally held before the passage of this act, is hereby ratified, confirmed and made valid. But this act shall be void unless action is taken by said town hereunder within one year from its passage.

Vote of town ratified, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO ISSUE CERTAIN BONDS.

Chap. 427

Be it enacted, etc., as follows:

SECTION 1. The votes of the town of Brookline passed at its meeting held on the twenty-seventh day of October in the year eighteen hundred and ninety-one, and at its annual meeting in the present year, authorizing the issue of bonds to the amount of eighty thousand dollars and one hundred and twenty-five thousand dollars, respectively, in order to defray the expense of constructing Muddy river or Riverdale park in said town, and the bonds issued under said votes are hereby ratified and confirmed, and the bonds authorized by said votes not already issued may be issued forthwith; and said town in addition to said bonds, may hereafter issue, in the manner defined by chapter one hundred and ninety of the acts of the year eighteen hundred and eighty-nine, bonds to an amount not exceeding three hundred thousand dollars for the purpose of finishing the construction of said park.

Brookline may issue bonds for the purpose of constructing park.

Vote of the town ratified.

Bonds, not to exceed \$300,000.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT RELATIVE TO THE DISCHARGE OF SMALL LOANS AND THE REDEMPTION OF THE SECURITY GIVEN FOR SUCH LOANS.

Chap. 428

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and eighty-eight of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the word "ten", in the eighth line of said section, and by inserting in place thereof the word:—five,—so as to read as follows:—*Section 1.* All loans hereafter contracted, for

1888, 388, § 1 amended.

Small loans dischargeable upon payment of principal, etc.

Repeal.
Proviso.

Loan secured by mortgage, etc.

Mortgage on household furniture not valid unless amount of loan is stated, etc.

Notice of intention to foreclose not valid, unless, etc.

less than one thousand dollars, shall be dischargeable by the debtor upon payment or tender of the principal sum actually borrowed and interest at the rate of eighteen per centum per annum, from the time said money was borrowed, together with a sum, for the actual expenses of making the loan and securing the same, not exceeding five dollars, provided that the lender shall be entitled to interest for six months at said rate when the debt is paid before the expiration of that period. And all payments in excess of said rate shall be applied to the discharge of the principal and the borrower shall only be obliged to pay or tender the balance of the principal and interest, at said rate, due after such application. All acts and parts of acts inconsistent herewith are hereby repealed: *provided*, that nothing in this act shall be construed to affect any loan made at a less rate than at the rate of eighteen per centum per annum, nor shall it be construed to repeal so much of section three of chapter seventy-seven of the Public Statutes as provides that when there is no agreement for a different rate the interest of money shall be at the rate of six dollars upon each hundred dollars for a year.

SECTION 2. When a loan of less than one thousand dollars is secured by a mortgage or pledge of personal property, the creditor shall discharge such mortgage and restore such pledge upon payment or tender to him of the amount legally due under this act, and such payment or tender may be made by the debtor, or by any person having an interest in the property mortgaged or pledged.

SECTION 3. No mortgage of household furniture on which interest is charged at the rate of eighteen per centum or more per annum, made to secure a loan of less than one thousand dollars, shall be valid unless it state with substantial accuracy the amount of the loan, the time for which the loan is made, the rate of interest to be paid, and the actual expense of making and securing the loan, nor unless it contain a provision that the debtor shall be notified in the manner provided in section seven of chapter one hundred and ninety-two of the Public Statutes, of the time and place of any sale to be made in foreclosure proceedings at least seven days before such sale.

SECTION 4. No notice of intention to foreclose, given to secure loans of less than one thousand dollars, under sections seven and ten of chapter one hundred and ninety-two of the Public Statutes, shall be valid unless it ex-

pressly state where such notice is to be recorded, and that the right of redemption will be foreclosed sixty days after such recording.

SECTION 5. Whoever refuses or neglects after request to discharge a mortgage, or to restore the property held as a pledge, as provided in section two of this act, shall be liable in an action of tort to the borrower for all damages resulting to him for any violation of said section two.

Refusal to discharge mortgage shall render creditor liable to action of tort.

SECTION 6. This act shall not be construed to apply to licensed pawnbrokers, nor to repeal or affect section thirty-four of chapter one hundred and two of the Public Statutes, or section six of chapter one hundred and ninety-two of the Public Statutes.

Not to apply to licensed pawnbrokers.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 16, 1892.*

Repeal.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS. *Chap. 429*

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say: —

State tax of \$1,750,000.

BARNSTABLE COUNTY.

Barnstable County.

| | | |
|----------------|--|------------|
| Barnstable, . | Twenty-nine hundred and forty dollars, | \$2,940 00 |
| Bourne, . . | Ten hundred thirty-two dollars and fifty cents, | 1,082 50 |
| Brewster, . . | Four hundred and fifty-five dollars, | 455 00 |
| Chatham, . . | Seven hundred fifty-two dollars and fifty cents, | 752 50 |
| Dennis, . . . | Twelve hundred and twenty-five dollars, | 1,225 00 |
| Eastham, . . | Two hundred twenty-seven dollars and fifty cents, | 227 50 |
| Falmouth, . . | Forty-one hundred forty-seven dollars and fifty cents, | 4,147 50 |
| Harwich, . . . | Nine hundred and forty-five dollars, | 945 00 |
| Mashpee, . . . | One hundred twenty-two dollars and fifty cents, | 122 50 |
| Orleans, . . . | Five hundred seven dollars and fifty cents, | 507 50 |

Barnstable
County.

BARNSTABLE COUNTY — CONCLUDED.

| | | |
|-----------------|---|-------------------|
| Provincetown, . | Eighteen hundred thirty-seven dol- lars and fifty cents, | \$1,837 50 |
| Sandwich, . | Seven hundred and seventy dollars, | 770 00 |
| Truro, . . . | Two hundred and eighty dollars, | 280 00 |
| Wellfleet, . | Five hundred seventy-seven dollars and fifty cents, | 577 50 |
| Yarmouth, . | Fourteen hundred and thirty-five dollars, | 1,435 00 |
| | | <hr/> \$17,255 00 |

Berkshire
County.

BERKSHIRE COUNTY.

| | | |
|-------------------|---|------------|
| Adams, . . . | Twenty-eight hundred eighty-seven dollars and fifty cents, | \$2,887 50 |
| Alford, . . . | One hundred ninety-two dollars and fifty cents, | 192 50 |
| Becket, . . . | Three hundred and fifty dollars, | 350 00 |
| Cheshire, . . | Five hundred seventy-seven dollars and fifty cents, | 577 50 |
| Clarksburg, . | One hundred ninety-two dollars and fifty cents, | 192 50 |
| Dalton, . . . | Nineteen hundred and twenty-five dollars, | 1,925 00 |
| Egremont, . . | Three hundred and fifty dollars, | 350 00 |
| Florida, . . . | One hundred and forty dollars, | 140 00 |
| Great Barrington, | Twenty-six hundred seven dollars and fifty cents, | 2,607 50 |
| Hancock, . . . | Three hundred and fifteen dollars, | 315 00 |
| Hinsdale, . . | Five hundred and ninety-five dollars, | 595 00 |
| Lanesborough, . | Four hundred two dollars and fifty cents, | 402 50 |
| Lee, | Fifteen hundred and five dollars, | 1,505 00 |
| Lenox, | Twenty-one hundred dollars, | 2,100 00 |
| Monterey, . . . | One hundred ninety-two dollars and fifty cents, | 192 50 |
| Mt. Washington, | Fifty-two dollars and fifty cents, | 52 50 |
| New Ashford, . | Fifty-two dollars and fifty cents, | 52 50 |
| N. Marlborough, | Four hundred seventy-two dollars and fifty cents, | 472 50 |

BERKSHIRE COUNTY — CONCLUDED.

Berkshire
County.

| | | |
|-------------------|--|-------------------|
| North Adams, . | Forty-nine hundred and thirty-five dollars, | \$4,935 00 |
| Otis, . . . | One hundred and seventy-five dollars, | 175 00 |
| Peru, . . . | Eighty-seven dollars and fifty cents, | 87 50 |
| Pittsfield, . . | Nine thousand eighty-two dollars and fifty cents, | 9,082 50 |
| Richmond, . . | Three hundred sixty-seven dollars and fifty cents, | 367 50 |
| Sandisfield, . . | Two hundred and eighty dollars, | 280 00 |
| Savoy, . . . | One hundred fifty-seven dollars and fifty cents, | 157 50 |
| Sheffield, . . | Seven hundred dollars, | 700 00 |
| Stockbridge, . . | Twenty-three hundred ninety-seven dollars and fifty cents, | 2,397 50 |
| Tyringham, . . | One hundred and seventy-five dollars, | 175 00 |
| Washington, . . | One hundred fifty-seven dollars and fifty cents, | 157 50 |
| W. Stockbridge, . | Five hundred forty-two dollars and fifty cents, | 542 50 |
| Williamstown, . | Seventeen hundred and fifteen dollars, | 1,715 00 |
| Windsor, . . . | One hundred fifty-seven dollars and fifty cents, | 157 50 |
| | | <hr/> \$35,840 00 |

BRISTOL COUNTY.

Bristol County.

| | | |
|-----------------|--|-----------|
| Acushnet, . . | Five hundred seven dollars and fifty cents, | \$507 50 |
| Attleborough, . | Thirty-three hundred and twenty-five dollars, | 3,325 00 |
| Berkley, . . . | Three hundred sixty-seven dollars and fifty cents, | 367 50 |
| Dartmouth, . . | Sixteen hundred and forty-five dollars, | 1,645 00 |
| Dighton, . . . | Six hundred and thirty dollars, | 630 00 |
| Easton, . . . | Thirty-nine hundred two dollars and fifty cents, | 3,902 50 |
| Fairhaven, . . | Thirteen hundred eighty-two dollars and fifty cents, | 1,382 50 |
| Fall River, . . | Forty thousand six hundred and seventy dollars, | 40,670 00 |

Bristol County.

BRISTOL COUNTY — CONCLUDED.

| | | |
|--------------------|--|---------------------|
| Freetown, . | Seven hundred seventeen dollars and fifty cents, . . . | \$717 50 |
| Mansfield, . | Twelve hundred and ninety-five dollars, . . . | 1,295 00 |
| New Bedford, . | Thirty-one thousand three hundred seventy-seven dollars and fifty cents, . . . | 31,377 50 |
| N. Attleborough, . | Twenty-nine hundred and seventy-five dollars, . . . | 2,975 00 |
| Norton, . . | Six hundred forty-seven dollars and fifty cents, . . . | 647 50 |
| Raynham, . | Seven hundred seventeen dollars and fifty cents, . . . | 717 50 |
| Rehoboth, . | Five hundred seventy-seven dollars and fifty cents, . . . | 577 50 |
| Seekonk, . . | Six hundred forty-seven dollars and fifty cents, . . . | 647 50 |
| Somerset, . . | Eight hundred twenty-two dollars and fifty cents, . . . | 822 50 |
| Swansey, . . | Ten hundred and fifteen dollars, . . . | 1,015 00 |
| Taunton, . . | Fourteen thousand four hundred and twenty dollars, . . . | 14,420 00 |
| Westport, . . | Eleven hundred and twenty dollars, . . . | 1,120 00 |
| | | <u>\$108,762 50</u> |

Dukes County.

DUKES COUNTY.

| | | |
|-----------------|--|-------------------|
| Chilmark, . | One hundred and seventy-five dollars, . . . | \$175 00 |
| Cottage City, . | Ten hundred and eighty-five dollars, . . . | 1,085 00 |
| Edgartown, . | Six hundred twelve dollars and fifty cents, . . . | 612 50 |
| Gay Head, . | Seventeen dollars and fifty cents, . . . | 17 50 |
| Gosnold, . . | One hundred fifty-seven dollars and fifty cents, . . . | 157 50 |
| Tisbury, . . | Eight hundred and forty dollars, . . . | 840 00 |
| | | <u>\$2,887 50</u> |

Essex County.

ESSEX COUNTY.

| | | |
|--------------|---|------------|
| Amesbury, . | Thirty-six hundred fifty-seven dollars and fifty cents, . . . | \$3,657 50 |
| Andover, . . | Thirty-six hundred ninety-two dollars and fifty cents, . . . | 3,692 50 |

ESSEX COUNTY — CONTINUED.

Essex County.

| | | |
|------------------|--|-------------|
| Beverly, . . | Ten thousand three hundred seven dollars and fifty cents, . . . | \$10,307 50 |
| Boxford, . . | Five hundred forty-two dollars and fifty cents, . . . | 542 50 |
| Bradford, . . | Sixteen hundred ninety-seven dollars and fifty cents, . . . | 1,697 50 |
| Danvers, . . | Thirty-two hundred two dollars and fifty cents, . . . | 3,202 50 |
| Essex, . . . | Seven hundred fifty-two dollars and fifty cents, . . . | 752 50 |
| Georgetown, . | Eight hundred twenty-two dollars and fifty cents, . . . | 822 50 |
| Gloucester, . | Eleven thousand one hundred forty-seven dollars and fifty cents, . . | 11,147 50 |
| Groveland, . . | Seven hundred and thirty-five dollars, . . . | 735 00 |
| Hamilton, . . | Seven hundred fifty-two dollars and fifty cents, . . . | 752 50 |
| Haverhill, . . | Fifteen thousand six hundred and ten dollars, . . . | 15,610 00 |
| Ipswich, . . . | Two thousand forty-seven dollars and fifty cents, . . . | 2,047 50 |
| Lawrence, . . | Twenty-three thousand seven hundred forty-seven dollars and fifty cents, . . . | 23,747 50 |
| Lynn, | Thirty-four thousand one hundred seventy-seven dollars and fifty cents, . . . | 34,177 50 |
| Lynnfield, . . | Four hundred and fifty-five dollars, . . . | 455 00 |
| Manchester, . . | Fifty-eight hundred twenty-seven dollars and fifty cents, . . . | 5,827 50 |
| Marblehead, . | Thirty-nine hundred and ninety dollars, . . . | 3,990 00 |
| Merrimac, . . | Eleven hundred and fifty-five dollars, . . . | 1,155 00 |
| Methuen, . . . | Twenty-five hundred thirty-seven dollars and fifty cents, . . . | 2,537 50 |
| Middleton, . . | Four hundred thirty-seven dollars and fifty cents, . . . | 437 50 |
| Nahant, . . . | Forty-three hundred and five dollars, . . . | 4,305 00 |
| Newbury, . . . | Eight hundred and forty dollars, . . | 840 00 |
| Newburyport, . | Eighty-one hundred and ninety dollars, . . . | 8,190 00 |
| North Andover, . | Twenty-five hundred seventy-two dollars and fifty cents, . . . | 2,572 50 |
| Peabody, . . . | Fifty-nine hundred sixty-seven dollars and fifty cents, . . . | 5,967 50 |
| Rockport, . . | Sixteen hundred sixty-two dollars and fifty cents, . . . | 1,662 50 |

Essex County.

ESSEX COUNTY — CONCLUDED.

| | | |
|---------------|--|--------------------|
| Rowley, . . | Four hundred and ninety dollars, . | \$490 00 |
| Salem, : . | Twenty-one thousand one hundred and five dollars, | 21,105 00 |
| Salisbury, . | Four hundred and ninety dollars, . | 490 00 |
| Saugus, . . | Nineteen hundred seventy-seven dollars and fifty cents, | 1,977 50 |
| Swampscott, . | Forty-two hundred and thirty-five dollars, | 4,235 00 |
| Topsfield, . | Seven hundred eighty-seven dol- lars and fifty cents, | 787 50 |
| Wenham, . . | Four hundred and fifty-five dollars, | 455 00 |
| West Newbury, | Seven hundred eighty-seven dol- lars and fifty cents, | 787 50 |
| | | <hr/> \$181,160 00 |

Franklin
County.

FRANKLIN COUNTY.

| | | |
|----------------|--|----------|
| Ashfield, . . | Three hundred and eighty-five dol- lars, | \$385 00 |
| Bernardston, . | Three hundred and fifty dollars, . | 350 00 |
| Buckland, . . | Four hundred and fifty-five dollars, | 455 00 |
| Charlemont, . | Two hundred ninety-seven dollars and fifty cents, | 297 50 |
| Colrain, . . | Four hundred and fifty-five dollars, | 455 00 |
| Conway, . . | Five hundred seventy-seven dollars and fifty cents, | 577 50 |
| Deerfield, . . | Eleven hundred and fifty-five dol- lars, | 1,155 00 |
| Erving, . . | Two hundred ninety-seven dollars and fifty cents, | 297 50 |
| Gill, . . | Three hundred and eighty-five dol- lars, | 385 00 |
| Greenfield, . | Thirty-nine hundred thirty-seven dollars and fifty cents, | 3,937 50 |
| Hawley, . . | One hundred and forty dollars, . | 140 00 |
| Heath, . . | One hundred and forty dollars, . | 140 00 |
| Leverett, . . | Two hundred twenty-seven dollars and fifty cents, | 227 50 |
| Leyden, . . | One hundred and forty dollars, . | 140 00 |
| Monroe, . . | One hundred and five dollars, . | 105 00 |

FRANKLIN COUNTY — CONCLUDED.

Franklin
County.

| | | |
|---------------|--|-------------------|
| Montague, . | Twenty-six hundred forty-two dol- lars and fifty cents, | \$2,642 50 |
| New Salem, . | Two hundred and forty-five dollars, | 245 00 |
| Northfield, . | Six hundred eighty-two dollars and fifty cents, | 682 50 |
| Orange, . . | Twenty-one hundred and seventy dollars, | 2,170 00 |
| Rowe, . . . | One hundred and seventy-five dol- lars, | 175 00 |
| Shelburne, . | Seven hundred dollars, | 700 00 |
| Shutesbury, . | One hundred twenty-two dollars and fifty cents, | 122 50 |
| Sunderland, . | Three hundred thirty-two dollars and fifty cents, | 332 50 |
| Warwick, . . | Two hundred twenty-seven dollars and fifty cents, | 227 50 |
| Wendell, . . | One hundred and seventy-five dol- lars, | 175 00 |
| Whately, . . | Three hundred sixty-seven dollars and fifty cents, | 367 50 |
| | | <hr/> \$16,887 50 |

HAMPDEN COUNTY.

Hampden
County.

| | | |
|----------------|---|-----------|
| Agawam, . . | Nine hundred and eighty dollars, | \$980 00 |
| Blandford, . | Three hundred and fifteen dollars, | 315 00 |
| Brimfield, . | Three hundred and fifty dollars, | 350 00 |
| Chester, . . | Four hundred and fifty-five dollars, | 455 00 |
| Chicopee, . . | Fifty-three hundred and twenty dol- lars, | 5,320 00 |
| Granville, . . | Two hundred ninety-seven dollars and fifty cents, | 297 50 |
| Hampden, . . | Three hundred and fifteen dollars, | 315 00 |
| Holland, . . | Seventy dollars, | 70 00 |
| Holyoke, . . | Seventeen thousand seven hundred and eighty dollars, | 17,780 00 |
| Longmeadow, . | Ten hundred and fifteen dollars, | 1,015 00 |
| Ludlow, . . . | Six hundred eighty-two dollars and fifty cents, | 682 50 |
| Monson, . . . | Fifteen hundred ninety-two dollars and fifty cents, | 1,592 50 |

Hampden
County.

HAMPDEN COUNTY — CONCLUDED.

| | | |
|------------------|--|--------------------|
| Montgomery, . | One hundred and five dollars, . | \$105 00 |
| Palmer, . . | Two thousand and sixty-five dollars, | 2,065 00 |
| Russell, . . | Three hundred and eighty-five dol- lars, . | 385 00 |
| Southwick, . | Four hundred and twenty dollars, . | 420 00 |
| Springfield, . | Thirty-eight thousand six hundred and seventy-five dollars, . | 38,675 00 |
| Tolland, . . | One hundred twenty-two dollars and fifty cents, . | 122 50 |
| Wales, . . . | Two hundred twenty-seven dollars and fifty cents, . | 227 50 |
| Westfield, . | Fifty-six hundred eighty-seven dol- lars and fifty cents, . | 5,687 50 |
| WestSpringfield, | Twenty-seven hundred and thirty dollars, . | 2,730 00 |
| Wilbraham, . | Six hundred and thirty dollars, . | 630 00 |
| | | <u>\$80,220 00</u> |

Hampshire
County.

HAMPSHIRE COUNTY.

| | | |
|-----------------|--|------------|
| Amherst, . . | Twenty-five hundred and fifty-five dollars, . | \$2,555 00 |
| Belchertown, . | Six hundred eighty-two dollars and fifty cents, . | 682 50 |
| Chesterfield, . | Two hundred and forty-five dollars, | 245 00 |
| Cummington, . | Two hundred and forty-five dollars, | 245 00 |
| Easthampton, . | Eighteen hundred seventy-two dol- lars and fifty cents, . | 1,872 50 |
| Enfield, . . . | Six hundred and thirty dollars, . | 630 00 |
| Goshen, . . . | One hundred and five dollars, . | 105 00 |
| Granby, . . . | Three hundred and fifty dollars, . | 350 00 |
| Greenwich, . . | Two hundred twenty-seven dollars and fifty cents, . | 227 50 |
| Hadley, . . . | Seven hundred eighty-seven dol- lars and fifty cents, . | 787 50 |
| Hatfield, . . | Eight hundred and five dollars, . | 805 00 |
| Huntington, . | Four hundred and twenty dollars, . | 420 00 |
| Middlefield, . | One hundred ninety-two dollars and fifty cents, | 192 50 |

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

| | | |
|-----------------|---|--------------------|
| Northampton, . | Seventy-four hundred and fifty-five dollars, . | \$7,455 00 |
| Pelham, . . | One hundred and forty dollars, . | 140 00 |
| Plainfield, . | One hundred and forty dollars, . | 140 00 |
| Prescott, . . | One hundred and forty dollars, . | 140 00 |
| Southampton, . | Three hundred and eighty-five dollars, . | 385 00 |
| South Hadley, . | Sixteen hundred and forty-five dollars, . | 1,645 00 |
| Ware, . . . | Thirty-two hundred two dollars and fifty cents, . | 3,202 50 |
| Westhampton, . | One hundred ninety-two dollars and fifty cents, . | 192 50 |
| Williamsburg, . | Seven hundred and seventy dollars, . | 770 00 |
| Worthington, . | Two hundred and forty-five dollars, . | 245 00 |
| | | <u>\$23,432 50</u> |

MIDDLESEX COUNTY.

Middlesex
County.

| | | |
|----------------|---|------------|
| Acton, . . . | Eleven hundred thirty-seven dollars and fifty cents, . | \$1,137 50 |
| Arlington, . | Forty-five hundred sixty-seven dollars and fifty cents, . | 4,567 50 |
| Ashby, . . . | Four hundred two dollars and fifty cents, . | 402 50 |
| Ashland, . . | Nine hundred ninety-seven dollars and fifty cents, . | 997 50 |
| Ayer, . . . | Ten hundred and fifty dollars, . | 1,050 00 |
| Bedford, . . | Seven hundred and seventy dollars, . | 770 00 |
| Belmont, . . | Twenty-eight hundred and thirty-five dollars, . | 2,835 00 |
| Billerica, . . | Fifteen hundred and forty dollars, . | 1,540 00 |
| Boxborough, . | One hundred ninety-two dollars and fifty cents, . | 192 50 |
| Burlington, . | Three hundred and eighty-five dollars, . | 385 00 |
| Cambridge, . | Fifty-four thousand four hundred and ninety-five dollars, . | 54,495 00 |
| Carlisle, . . | Two hundred and eighty dollars, . | 280 00 |
| Chelmsford, . | Fourteen hundred and seventy dollars, . | 1,470 00 |
| Concord, . . | Thirty-one hundred and fifty dollars, . | 3,150 00 |

Middlesex
County.

MIDDLESEX COUNTY — CONTINUED.

| | | |
|------------------|---|------------|
| Dracut, . . | Eleven hundred and ninety dollars, | \$1,190 00 |
| Dunstable, . | Two hundred and forty-five dollars, | 245 00 |
| Everett, . . | Sixty-six hundred and fifty dollars, | 6,650 00 |
| Framingham, . | Sixty-three hundred dollars, . . | 6,300 00 |
| Groton, . . | Twenty-three hundred and forty-five dollars, . | 2,345 00 |
| Holliston, . | Twelve hundred forty-two dollars and fifty cents, | 1,242 50 |
| Hopkinton, . | Eighteen hundred thirty-seven dollars and fifty cents, | 1,837 50 |
| Hudson, . . | Two thousand and sixty-five dollars, | 2,065 00 |
| Lexington, . | Twenty-seven hundred eighty-two dollars and fifty cents, . | 2,782 50 |
| Lincoln, . . | Nineteen hundred and sixty dollars, | 1,960 00 |
| Littleton, . | Six hundred and thirty dollars, . | 630 00 |
| Lowell, . . | Forty-nine thousand five hundred seven dollars and fifty cents, . | 49,507 50 |
| Malden, . . | Fifteen thousand three hundred and sixty-five dollars, . | 15,365 00 |
| Marlborough, . | Fifty-eight hundred sixty-two dollars and fifty cents, . | 5,862 50 |
| Maynard, . . | Fifteen hundred twenty-two dollars and fifty cents, . | 1,522 50 |
| Medford, . . | Eighty-eight hundred and ninety dollars, . | 8,890 00 |
| Melrose, . . | Fifty-seven hundred fifty-seven dollars and fifty cents, . | 5,757 50 |
| Natick, . . | Forty-three hundred ninety-two dollars and fifty cents, . | 4,392 50 |
| Newton, . . | Thirty thousand three hundred and ten dollars, . | 30,310 00 |
| North Reading, . | Four hundred two dollars and fifty cents, . | 402 50 |
| Pepperell, . | Fifteen hundred fifty-seven dollars and fifty cents, . | 1,557 50 |
| Reading, . . | Twenty-two hundred ninety-two dollars and fifty cents, . | 2,292 50 |
| Sherborn, . . | Six hundred forty-seven dollars and fifty cents, . | 647 50 |
| Shirley, . . | Five hundred forty-two dollars and fifty cents, . | 542 50 |
| Somerville, . | Twenty-seven thousand four hundred fifty-seven dollars and fifty cents, | 27,457 50 |
| Stoneham, . . | Twenty-eight hundred seventeen dollars and fifty cents, . . . | 2,817 50 |

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

| | | |
|---------------|--|---------------------|
| Stow, . . . | Six hundred forty-seven dollars and fifty cents, . . . | \$647 50 |
| Sudbury, . . | Eight hundred ninety-two dollars and fifty cents, . . . | 892 50 |
| Tewksbury, . | Ten hundred sixty-seven dollars and fifty cents, . . . | 1,067 50 |
| Townsend, . | Nine hundred and ten dollars, . . . | 910 00 |
| Tyngsborough, | Three hundred and fifteen dollars, . | 315 00 |
| Wakefield, . | Thirty-seven hundred and forty-five dollars, . . . | 3,745 00 |
| Waltham, . . | Twelve thousand six hundred and seventy dollars, . . . | 12,670 00 |
| Watertown, . | Fifty-seven hundred ninety-two dollars and fifty cents, . . . | 5,792 50 |
| Wayland, . . | Twelve hundred seventy-seven dollars and fifty cents, . . . | 1,277 50 |
| Westford, . . | Ten hundred and fifteen dollars, . . | 1,015 00 |
| Weston, . . . | Twenty-two hundred twenty-two dollars and fifty cents, . . . | 2,222 50 |
| Wilmington, . | Five hundred and sixty dollars, . . | 560 00 |
| Winchester, . | Thirty-nine hundred seventy-two dollars and fifty cents, . . . | 3,972 50 |
| Woburn, . . . | Seventy-one hundred and five dollars, | 7,105 00 |
| | | <u>\$300,037 50</u> |

NANTUCKET COUNTY.

Nantucket
County.

| | | |
|--------------|--|------------|
| Nantucket, . | Twenty-three hundred and forty-five dollars, | \$2,345 00 |
|--------------|--|------------|

NORFOLK COUNTY.

Norfolk
County.

| | | |
|----------------|--|-----------|
| Avon, | Five hundred and twenty-five dollars, | \$525 00 |
| Bellingham, . | Five hundred and twenty-five dollars, | 525 00 |
| Braintree, . . | Thirty-two hundred and ninety dollars, | 3,290 00 |
| Brookline, . . | Forty thousand six hundred eighty-seven dollars and fifty cents, . . | 40,687 50 |
| Canton, . . . | Thirty-two hundred and fifty-five dollars, | 3,255 00 |
| Cohasset, . . | Thirty-eight hundred thirty-two dollars and fifty cents, | 3,832 50 |

Norfolk
County.

NORFOLK COUNTY — CONCLUDED.

| | | |
|----------------|--|--------------------|
| Dedham, . . | Forty-eight hundred twelve dollars and fifty cents, | \$4,812 50 |
| Dover, . . | Six hundred twelve dollars and fifty cents, | 612 50 |
| Foxborough, . | Twelve hundred seven dollars and fifty cents, | 1,207 50 |
| Franklin, . . | Twenty-one hundred and thirty-five dollars, | 2,135 00 |
| Holbrook, . . | Eleven hundred seventy-two dollars and fifty cents, | 1,172 50 |
| Hyde Park, . . | Fifty-eight hundred and forty-five dollars, | 5,845 00 |
| Medfield, . . | Nine hundred sixty-two dollars and fifty cents, | 962 50 |
| Medway, . . | Nine hundred sixty-two dollars and fifty cents, | 962 50 |
| Millis, . . | Four hundred thirty-seven dollars and fifty cents, | 437 50 |
| Milton, . . | Eleven thousand four hundred and eighty dollars, | 11,480 00 |
| Needham, . . | Nineteen hundred seven dollars and fifty cents, | 1,907 50 |
| Norfolk, . . | Four hundred two dollars and fifty cents, | 402 50 |
| Norwood, . . | Two thousand and sixty-five dollars, | 2,065 00 |
| Quincy, . . | Ten thousand nine hundred two dollars and fifty cents, | 10,902 50 |
| Randolph, . . | Nineteen hundred seven dollars and fifty cents, | 1,907 50 |
| Sharon, . . | Nine hundred sixty-two dollars and fifty cents, | 962 50 |
| Stoughton, . . | Two thousand twelve dollars and fifty cents, | 2,012 50 |
| Walpole, . . | Fifteen hundred and five dollars, | 1,505 00 |
| Wellesley, . . | Forty-six hundred seventy-two dollars and fifty cents, | 4,672 50 |
| Weymouth, . . | Fifty-three hundred two dollars and fifty cents, | 5,302 50 |
| Wrentham, . . | Eleven hundred thirty-seven dollars and fifty cents, | 1,137 50 |
| | | <hr/> \$114,520 00 |

Plymouth
County.

PLYMOUTH COUNTY.

| | | |
|----------------|---|------------|
| Abington, . . | Eighteen hundred two dollars and fifty cents, | \$1,802 50 |
| Bridgewater, . | Two thousand forty-seven dollars and fifty cents, | 2,047 50 |

PLYMOUTH COUNTY — CONCLUDED.

Plymouth
County.

| | | |
|-------------------|--|-------------------|
| Brockton, . | Fourteen thousand one hundred fifty-seven dollars and fifty cents, . | \$14,157 50 |
| Carver, . | Five hundred and sixty dollars, . | 560 00 |
| Duxbury, . | Ten hundred and eighty-five dollars, . | 1,085 00 |
| E Bridgewater, . | Twelve hundred and sixty dollars, . | 1,260 00 |
| Halifax, . | Two hundred twenty-seven dollars and fifty cents, . | 227 50 |
| Hanover, . | Ten hundred thirty-two dollars and fifty cents, . | 1,032 50 |
| Hanson, . | Five hundred seven dollars and fifty cents, . | 507 50 |
| Hingham, . | Thirty-three hundred and twenty-five dollars, . | 3,325 00 |
| Hull, . | Seventeen hundred thirty-two dollars and fifty cents, . | 1,732 50 |
| Kingston, . | Thirteen hundred and sixty-five dollars, . | 1,365 00 |
| Lakeville, . | Four hundred and twenty dollars, . | 420 00 |
| Marion, . | Eight hundred and five dollars, . | 805 00 |
| Marsfield, . | Nine hundred and eighty dollars, . | 980 00 |
| Mattapoisett, . | Twelve hundred seven dollars and fifty cents, . | 1,207 50 |
| Middleborough, . | Three thousand and forty-five dollars, . | 3,045 00 |
| Norwell, . | Eight hundred fifty-seven dollars and fifty cents, . | 857 50 |
| Pembroke, . | Five hundred and twenty-five dollars, . | 525 00 |
| Plymouth, . | Forty-seven hundred and sixty dollars, . | 4,760 00 |
| Plympton, . | Two hundred and forty-five dollars, . | 245 00 |
| Rochester, . | Three hundred and eighty-five dollars, . | 385 00 |
| Rockland, . | Twenty-one hundred fifty-two dollars and fifty cents, . | 2,152 50 |
| Scituate, . | Fifteen hundred and five dollars, . | 1,505 00 |
| Wareham, . | Fifteen hundred and five dollars, . | 1,505 00 |
| W. Bridgewater, . | Eight hundred fifty-seven dollars and fifty cents, . | 857 50 |
| Whitman, . | Twenty-five hundred and twenty dollars, . | 2,520 00 |
| | | <hr/> \$50,872 50 |

Suffolk County.

SUFFOLK COUNTY.

| | | |
|-----------------|---|--------------------|
| Boston, . . . | Six hundred forty thousand sixty-two dollars and fifty cents, . . . | \$640,062 50 |
| Chelsea, . . . | Sixteen thousand three hundred and eighty dollars, . . . | 16,380 00 |
| Revere, . . . | Four thousand forty-two dollars and fifty cents, . . . | 4,042 50 |
| Winthrop, . . . | Twenty-six hundred seventy-seven dollars and fifty cents, . . . | 2,677 50 |
| | | <hr/> \$663,162 50 |

Worcester County.

WORCESTER COUNTY.

| | | |
|-------------------|--|-----------|
| Ashburnham, . . . | Eight hundred and five dollars, . . . | \$805 00 |
| Athol, . . . | Twenty-four hundred and eighty-five dollars, . . . | 2,485 00 |
| Auburn, . . . | Four hundred and twenty dollars, . . . | 420 00 |
| Barre, . . . | Eleven hundred and ninety dollars, . . . | 1,190 00 |
| Berlin, . . . | Three hundred and eighty-five dollars, . . . | 385 00 |
| Blackstone, . . . | Two thousand and sixty-five dollars, . . . | 2,065 00 |
| Bolton, . . . | Three hundred and eighty-five dollars, . . . | 385 00 |
| Boylston, . . . | Three hundred and eighty-five dollars, . . . | 385 00 |
| Brookfield, . . . | Eleven hundred two dollars and fifty cents, . . . | 1,102 50 |
| Charlton, . . . | Seven hundred fifty-two dollars and fifty cents, . . . | 752 50 |
| Clinton, . . . | Forty-seven hundred seventy-seven dollars and fifty cents, . . . | 4,777 50 |
| Dana, . . . | Two hundred twenty-seven dollars and fifty cents, . . . | 227 50 |
| Douglas, . . . | Seven hundred eighty-seven dollars and fifty cents, . . . | 787 50 |
| Dudley, . . . | Eight hundred twenty-two dollars and fifty cents, . . . | 822 50 |
| Fitchburg, . . . | Thirteen thousand five hundred and eighty dollars, . . . | 13,580 00 |
| Gardner, . . . | Thirty-five hundred and thirty-five dollars, . . . | 3,535 00 |
| Grafton, . . . | Eighteen hundred seventy-two dollars and fifty cents, . . . | 1,872 50 |
| Hardwick, . . . | Eleven hundred and fifty-five dollars, . . . | 1,155 00 |
| Harvard, . . . | Eight hundred ninety-two dollars and fifty cents, . . . | 892 50 |

WORCESTER COUNTY — CONTINUED.

Worcester
County.

| | | |
|------------------------|---|----------|
| Holden, . . . | Eight hundred and forty dollars, . . . | \$840 00 |
| Hopedale, . . . | Sixteen hundred sixty-two dollars and fifty cents, . . . | 1,662 50 |
| Hubbardston, . . . | Five hundred and sixty dollars, . . . | 560 00 |
| Lancaster, . . . | Twenty-five hundred seventy-two dollars and fifty cents, . . . | 2,572 50 |
| Leicester, . . . | Seventeen hundred and eighty-five dollars, . . . | 1,785 00 |
| Leominster, . . . | Thirty-eight hundred thirty-two dol- lars and fifty cents, . . . | 3,832 50 |
| Lunenburg, . . . | Five hundred and sixty dollars, . . . | 560 00 |
| Mendon, . . . | Four hundred and fifty-five dollars, . . . | 455 00 |
| Milford, . . . | Four thousand and twenty-five dol- lars, . . . | 4,025 00 |
| Millbury, . . . | Sixteen hundred and forty-five dol- lars, . . . | 1,645 00 |
| New Braintree, . . . | Three hundred thirty-two dollars and fifty cents, . . . | 332 50 |
| Northborough, . . . | Ten hundred thirty-two dollars and fifty cents, . . . | 1,032 50 |
| Northbridge, . . . | Twenty-six hundred and twenty-five dollars, . . . | 2,625 00 |
| NorthBrookfield, . . . | Fifteen hundred twenty-two dollars and fifty cents, . . . | 1,522 50 |
| Oakham, . . . | Two hundred sixty-two dollars and fifty cents, . . . | 262 50 |
| Oxford, . . . | Ten hundred sixty-seven dollars and fifty cents, . . . | 1,067 50 |
| Paxton, . . . | Two hundred and ten dollars, . . . | 210 00 |
| Petersham, . . . | Four hundred and fifty-five dollars, . . . | 455 00 |
| Phillipston, . . . | Two hundred and ten dollars, . . . | 210 00 |
| Princeton, . . . | Six hundred forty-seven dollars and fifty cents, . . . | 647 50 |
| Royalston, . . . | Five hundred forty-two dollars and fifty cents, . . . | 542 50 |
| Rutland, . . . | Four hundred two dollars and fifty cents, . . . | 402 50 |
| Shrewsbury, . . . | Eight hundred and five dollars, . . . | 805 00 |
| Southborough, . . . | Thirteen hundred twelve dollars and fifty cents, . . . | 1,312 50 |
| Southbridge, . . . | Twenty-eight hundred eighty-seven dollars and fifty cents, . . . | 2,887 50 |
| Spencer, . . . | Thirty-six hundred fifty-seven dol- lars and fifty cents, . . . | 3,657 50 |

Worcester
County.

WORCESTER COUNTY — CONCLUDED.

| | | |
|------------------|---|---------------------|
| Sterling, . . | Six hundred and sixty-five dollars, . | \$665 00 |
| Sturbridge, . | Seven hundred fifty-two dollars and fifty cents, | 752 50 |
| Sutton, . . | Nine hundred ninety-seven dollars and fifty cents, | 997 50 |
| Templeton, . | Ten hundred sixty-seven dollars and fifty cents, | 1,067 50 |
| Upton, . . | Seven hundred and thirty-five dol- lars, | 735 00 |
| Uxbridge, . | Sixteen hundred ninety-seven dollars and fifty cents, | 1,697 50 |
| Warren, . . | Two thousand twelve dollars and fifty cents, | 2,012 50 |
| Webster, . . | Twenty-six hundred and sixty dol- lars, | 2,660 00 |
| Westborough, . | Twenty-two hundred twenty-two dol- lars and fifty cents, | 2,222 50 |
| West Boylston, | Ten hundred and fifteen dollars, . | 1,015 00 |
| West Brookfield, | Six hundred and sixty-five dollars, | 665 00 |
| Westminster, . | Six hundred and thirty dollars, . | - 630 00 |
| Winchendon, . | Sixteen hundred ninety-seven dollars and fifty cents, | 1,697 50 |
| Worcester, . | Sixty-two thousand two hundred and sixty-five dollars, | 62,265 00 |
| | | <u>\$152,617 50</u> |

Recapitulation.

RECAPITULATION.

| | | |
|------------------|---|-------------|
| Barnstable Co., | Seventeen thousand two hundred and fifty-five dollars, | \$17,255 00 |
| Berkshire Co., . | Thirty-five thousand eight hundred and forty dollars, | 35,840 00 |
| Bristol Co., . | One hundred eight thousand seven hundred sixty-two dollars and fifty cents, | 108,762 50 |
| Dukes Co., . | Twenty-eight hundred eighty-seven dollars and fifty cents, | 2,887 50 |
| Essex Co., . | One hundred eighty-one thousand one hundred and sixty dollars, . . | 181,160 00 |
| Franklin Co., . | Sixteen thousand eight hundred eighty-seven dollars and fifty cents, | 16,887 50 |
| Hampden Co., . | Eighty thousand two hundred and twenty dollars, | 80,220 00 |
| Hampshire Co., | Twenty-three thousand four hundred thirty-two dollars and fifty cents, . | 23,432 50 |

RECAPITULATION — CONCLUDED.

Recapitulation.

| | | |
|----------------|---|----------------------|
| Middlesex Co., | Three hundred thousand thirty-seven dollars and fifty cents, . . . | \$300,037 50 |
| Nantucket Co., | Twenty-three hundred and forty-five dollars, . . . | 2,345 00 |
| Norfolk Co., | One hundred fourteen thousand five hundred and twenty dollars, . . | 114,520 00 |
| Plymouth Co., | Fifty thousand eight hundred seventy-two dollars and fifty cents, . . . | 50,872 50 |
| Suffolk Co., | Six hundred sixty-three thousand one hundred sixty-two dollars and fifty cents, . . . | 663,162 50 |
| Worcester Co., | One hundred fifty-two thousand six hundred seventeen dollars and fifty cents, . . . | 152,617 50 |
| | | <hr/> \$1,750,000 00 |

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer to
issue warrant.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth on or before the tenth day of December in the year eighteen hundred and ninety-two the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and ninety-two.

Selectmen or
assessors to
issue warrants
to city and town
treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as

To notify
treasurers of de-
linquent cities
and towns.

would be equal to one per centum per month during such delinquency from and after the tenth day of December in the year eighteen hundred and ninety-two; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety-three, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Warrant of distress may issue.

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.430 AN ACT RELATING TO THE RETURNS OF FINES, FORFEITURES, COSTS, FEES AND MONEYS BY COUNTY TREASURERS.

Be it enacted, etc., as follows:

23, § 30, P. B., amended.

SECTION 1. Section thirty of chapter twenty-three of the Public Statutes is hereby amended by striking out in the second line of said section, the words "auditor of the Commonwealth", and inserting in place thereof the words:—controller of county accounts,—so as to read as follows:—*Section 30.* Every county treasurer shall annually, in the month of January, return under his oath to the controller of county accounts a correct statement of all fines, forfeitures, costs, fees, and moneys received by him in criminal matters during the year next preceding the first day of that month, and from whom received, and also the name of each magistrate or officer who has failed to account for and pay over to him as required by law, and what proceedings have been had upon his bond or otherwise.

County treasurers to make annual return to controller of county accounts.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.431 AN ACT REQUIRING VOTES TO BE CANVASSED BY TWO ELECTION OFFICERS OF ONE POLITICAL PARTY UNDER THE SUPERVISION OF AN ELECTION OFFICER OF ANOTHER POLITICAL PARTY.

Be it enacted, etc., as follows:

1891, 328, § 4 amended.

Section four of chapter three hundred and twenty-eight of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out all of said section after

the word "ninety", in the fifth line, and inserting in place thereof the following words:— The ballots shall be divided into blocks of a convenient number for canvassing, and each block shall be canvassed by two election officers representing the two leading political parties, each of the aforesaid officers to be under the inspection and supervision of an election officer of another political party. The result of such canvasses shall be reported to the presiding election officer, who shall cause the total result of said canvasses to be correctly recorded on the blank forms provided for that purpose. Two inspectors, with two deputy inspectors, additional to those now provided for, may be appointed in the manner provided for the appointment of other election officers in each voting precinct in cities and in towns divided into voting precincts; and the provisions of law relative to inspectors and deputy inspectors shall be applicable to such additional officers,—so as to read as follows:— *Section 4.* Except as herein otherwise provided, the canvass of the votes cast shall be made in accordance with the provisions of section ninety-five of chapter four hundred and twenty-three of the acts of the year eighteen hundred and ninety. The ballots shall be divided into blocks of a convenient number for canvassing, and each block shall be canvassed by two election officers representing the two leading political parties, each of the aforesaid officers to be under the inspection and supervision of an election officer of another political party. The result of such canvasses shall be reported to the presiding election officer, who shall cause the total result of said canvasses to be correctly recorded on the blank forms provided for that purpose. Two inspectors, with two deputy inspectors, additional to those now provided for, may be appointed in the manner provided for the appointment of other election officers in each voting precinct in cities and in towns divided into voting precincts; and the provisions of law relative to inspectors and deputy inspectors shall be applicable to such additional officers.

Canvass of votes.

Additional officers may be appointed.

Approved June 16, 1892.

AN ACT RELATIVE TO THE PREVENTION OF THE SPREAD OF TUBERCULOSIS.

Chap. 432

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter fifty-eight of the Public Statutes as amended by section one of chapter one

58, § 1, P. S., amended.

Mayor and
aldermen to ap-
point inspectors
of provisions,
etc.

To be sworn.

hundred and ninety-five of the acts of the year eighteen hundred and ninety-two is hereby amended by inserting after the word "shall", in the second line of said section as amended, the words:— in the month of July in the year eighteen hundred and ninety-two, and thereafter,— so as to read as follows:— *Section 1.* The mayor and aldermen of cities and the selectmen of towns shall in the month of July in the year eighteen hundred and ninety-two, and thereafter annually in the month of April, appoint one or more persons to be inspectors of provisions and of animals intended for slaughter or kept for the production of milk. Such inspectors shall be sworn faithfully to discharge the duties of their office and shall receive such compensation as the city council or the selectmen shall determine.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap. 433 AN ACT RELATING TO THE ABOLITION OF CERTAIN GRADE CROSSINGS OF THE BOSTON AND PROVIDENCE RAILROAD.

Be it enacted, etc., as follows:

Grade cross-
ings, Boston
and Providence
Railroad; abol-
ition of.

SECTION 1. The commissioners appointed by the superior court of the county of Suffolk, to consider the abolition of the grade crossing of the tracks of the Boston and Providence Railroad Company and Tremont street in the city of Boston, or any other commissioners appointed for the purpose, shall, after such hearings as they may deem necessary, prescribe the manner in which the tracks of said company between Chester park and the towns of Hyde Park and Dedham shall be raised, in order to abolish all the grade crossings of the main line of said company and the highways in the city of Boston between said Chester park and Blakemore street in said city.

Alterations,
etc., to be made
by Old Colony
Railroad Com-
pany.

SECTION 2. The alterations and improvements prescribed by said commission shall be made by the Old Colony Railroad Company, and the expenses thereof paid by it, and for that purpose it may issue its stock from time to time to such an amount as may be necessary, not to exceed in all the sum of two million dollars; such stock to be sold at public auction.

Commonwealth
to repay rail-
road company
forty-five per
cent. of cost.

SECTION 3. The Commonwealth shall repay to said railroad company forty-five per cent. of the cost incurred by said company in carrying out said alterations and improvements, as audited and approved by the auditors pro-

vided for in chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, and the treasurer and receiver general of the Commonwealth shall pay the amounts required therefor from any money not otherwise appropriated, and is hereby authorized, when requested by the governor and council so to do, to issue and sell bonds of the Commonwealth from time to time, under such terms and conditions and with such sinking funds for their redemption as shall best promote the welfare of the Commonwealth.

May issue bonds.

SECTION 4. Said city of Boston shall repay to the Commonwealth thirty per cent. of the amount repaid by the Commonwealth to said railroad company, in twenty equal annual payments of one and one half per cent. of said amount, with interest at the rate of three per cent. per annum; and the said treasurer and receiver general shall in each of said twenty years include the annual payment with interest at the rate of three per cent. per annum, required of said city in, and make the same a part of, the sum charged to said city as its state tax, and the same shall be paid by the city into the treasury of the Commonwealth at the time required for the payment, and as a part of its state tax.

City of Boston to repay Commonwealth thirty per cent., etc.

SECTION 5. Sections one to eight, inclusive, of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, and all acts additional to or in amendment thereof, shall, so far as they do not conflict with the foregoing provisions, be applicable to all proceedings under this act.

Provisions applicable.

SECTION 6. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT AUTHORIZING CERTAIN IMPROVEMENTS IN THE SUDBURY RIVER IN THE TOWNS OF WESTBOROUGH AND HOPKINTON. *Chap. 434*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of protecting and preserving the purity of the water of the Sudbury river, the city of Boston, by the Boston water board, may, wherever said board shall deem necessary within the towns of Westborough and Hopkinton, from time to time, widen, deepen and straighten the existing channels of, or make new channels for, the Sudbury river and its tributaries, and may construct ditches connecting with said river or its tributaries, and may, from time to time, repair and

City of Boston may make improvements for purifying the water of Sudbury river.

maintain the said channels and ditches as now existing, or as so changed, altered or constructed.

To file plans,
etc., in regis-
tries for dis-
tricts.

SECTION 2. Said city, from time to time, before constructing any improvement hereinbefore described, shall file in the registries for the districts in which the lands lie, a map or maps, showing thereon as far as practicable the existing channels of said river and its tributaries, the changes or widenings proposed to be made therein, and the locations and sizes of any ditches proposed to be made.

May enter upon
public ways,
etc.

SECTION 3. The said city may, by said board, in carrying out the purposes aforesaid, enter upon and dig up any public way or railroad, and conduct any channel of said river or its tributaries, or any ditches across the same, and, in case any channel or ditch passes under any existing bridge, it shall be left by the city in good condition, and if across any highway or railroad a new channel or ditch is constructed, the said city shall compensate the town or railroad corporation for constructing and maintaining a suitable bridge over the same.

Injury to
property.

SECTION 4. Any person claiming to be injured in property by any act done by said city under the authority of this act, if the said water board acting for said city fails to make satisfactory compensation therefor, may at any time within three years after the said filing of a map or maps by the city, petition the superior court for the county of Worcester for a jury to determine the amount of his damages, and thereupon after such notice as the court shall order, a trial shall be had at the bar of said court in the same manner as other cases are tried by jury.

Damages, etc.

In estimating the damages caused by such acts there shall be allowed by way of set-off the benefit, if any, to the property of the petitioner by reason thereof, and interest shall be added from the date of filing his petition as aforesaid; costs shall be taxed and execution issued for the prevailing party as in civil cases.

Work per-
formed outside
city limits, to be
as selectmen
prescribe.

SECTION 5. If said city, in carrying out the powers aforesaid, does any work or makes any repairs in any public way which is outside its limits, it shall do the work and make the repairs in such manner and with such care as not to render the way unsafe or unnecessarily inconvenient to the public travel thereon, and in accordance with such reasonable regulations as the selectmen of the town in which such way may be located shall prescribe,

and shall restore the way to as good order and condition as it was in when such work or repairs therein commenced.

SECTION 6. Said city shall at all times indemnify and save harmless any town against all damages and costs which may be recovered against such town, on account of any defect or want of repair in any of the public ways of such town, caused by any act done under the authority of this act or by any negligence of said city and its agents, and shall reimburse to such town all reasonable costs and expenses incurred by it in the defence of suits for such recoveries, provided that said city has notice of any claim or suit for such damages and an opportunity to assume the defence thereof.

Indemnity
against
damages.

SECTION 7. Nothing in this act shall be construed to authorize the city of Boston to interfere with the present water supply of the town of Westborough, or with the watershed of said water supply above the present reservoir dam of such supply.

Not to interfere
with water sup-
ply of town of
Westborough,
etc.

SECTION 8. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT IN RELATION TO FRATERNAL BENEFICIARY CORPORATIONS
AND OTHER CORPORATIONS ORGANIZED FOR THE TRANSACTION
OF INSURANCE UPON THE ASSESSMENT PLAN.

Chap. 435

Be it enacted, etc., as follows:

SECTION 1. The supreme judicial and superior courts shall have exclusive and concurrent jurisdiction in cases of insolvency, of the settlement of the affairs of corporations which are authorized to transact insurance upon the assessment plan, or of any fraternal beneficiary corporations which are so authorized, and to that end may appoint agents or receivers to take possession of the property and effects of the corporations, subject to such rules and orders as may from time to time be prescribed by said courts, or any justice thereof. The jurisdiction of said courts in all such cases now pending before them, and all orders and decrees issued by said courts or any justice thereof appointing receivers to take possession of the property and effects of said corporations and distribute same under direction of said courts, are hereby affirmed.

Fraternal
beneficiary cor-
porations, etc.

Jurisdiction of
courts.

SECTION 2. This act shall not impair the jurisdiction of the insolvency courts of this Commonwealth in any cases now pending before them relating to the settlement

Not to impair
jurisdiction of
insolvency
courts.

of the affairs of the above-described corporations, which are insolvent, but the jurisdiction of said insolvency courts in such cases is hereby affirmed.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.436 AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF CONWAY.

Be it enacted, etc., as follows:

Proceedings of
town meeting
confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Conway held on the seventh day of March in the year eighteen hundred and ninety-two, and any adjournment thereof, shall not be invalid by reason of the omission in the warrant calling such meeting, of a specification of the time of opening the polls, or by reason of any action taken by said meeting with reference to keeping open said polls or closing the same, or by reason of any irregularity in the posting of the specimen ballots.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

Chap.437 AN ACT TO AUTHORIZE THE PARK STREET CONGREGATIONAL SOCIETY IN BOSTON TO ACQUIRE ALL TOMBS AND RIGHTS OF INTERMENT UNDER THE MEETINGHOUSE OF SAID SOCIETY AND TO PROHIBIT FURTHER INTERMENTS THEREIN.

Be it enacted, etc., as follows:

May take all
tombs under
meetinghouse,
etc.

SECTION 1. The Park Street Congregational Society in Boston may take all tombs under the meetinghouse of said society, and all rights of interment therein, the same having been first appraised by some disinterested person to be appointed by any justice of the superior court in the county of Suffolk, a commissioner for that purpose, in term time or in vacation, upon petition of said society, and after such notice to the proprietors of said tombs and rights of interment as is provided by section three of this act; or said society may agree with any owner or owners of said tombs or rights, for the purchase of said tombs and the extinguishment of any rights of interment therein. In the appraisal, the measure of damages shall be not less than the cost of purchasing a suitable burial lot and erecting a tomb in Forest Hills or Mount Auburn cemetery, similar to the tomb taken, and also the reasonable expense of the removal and reinterment of all bodies or remains therein; and the report of said commissioner, when made

Appraisal.

to and accepted by said court or a justice thereof, in term time or vacation, shall be final, except as hereinafter provided, and his compensation shall be fixed by the court and paid by the society.

SECTION 2. Either party, if aggrieved by the award of said commissioner, may apply by petition to the superior court for the county of Suffolk, at any time within six months after the said award shall have been accepted, and a trial shall be had at the bar of the court, in the same manner in which other civil cases are there tried by a jury. In such trial the measure of damages shall be as provided in section one of this act. If either party request, the jury shall view the place in question.

Parties aggrieved may petition for a trial by jury.

SECTION 3. Whenever said society, by vote, at a meeting legally called for that purpose, determines to take any such tombs or rights, and an award shall have been made as provided under section one of this act, they shall give notice to all persons interested in such tombs, by serving such notice upon at least one owner of each tomb, if such owner be known, and also, unless service is made upon all the owners of the tombs and rights proposed to be taken, by publishing such notice for three successive weeks in two newspapers at least, printed in said Boston, that all bodies and remains interred in said tombs must be removed within sixty days after such notice, or after such first publication. And in case said bodies or remains have not been removed within said sixty days, said society may cause said bodies and remains to be removed and interred in such a tomb as is specified in section one, and there shall, in such case, be deducted from the amount of the award or verdict the expense of acquiring and erecting such lot or tomb and of removal or reinterment of the bodies or remains.

Society to give notice of taking of tombs, etc.

May remove bodies.

SECTION 4. No interments shall hereafter be made in any of the tombs under said meetinghouse nor shall a temporary deposit of dead bodies be hereafter made in any of said tombs.

Interments.

SECTION 5. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT IN ADDITION TO AN ACT TO PROVIDE AN OPEN SPACE ON THE EAST SIDE OF THE STATE HOUSE EXTENSION.

Chap. 438

Be it enacted, etc., as follows:

SECTION 1. In order to defray the expenses that may be incurred by the state house construction commissioners,

Treasurer to issue notes, etc., to provide

for payment of
lands taken for
open space on
east side of state
house extension.

appointed under authority of chapter three hundred and ninety-four, acts of the year eighteen hundred and eighty-nine, under the provisions of chapter four hundred and four of the acts of the year eighteen hundred and ninety-two, the treasurer and receiver general is hereby authorized, under the direction of the governor and council, to issue scrip or certificates of debt in the name and behalf of the Commonwealth to such amount as may be necessary, redeemable on the first day of July in the year nineteen hundred and one; said scrip to bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of January and July at the office of the treasurer and receiver general in Boston; said scrip shall be issued from time to time, as may be necessary, either as registered bonds or with interest coupons attached, and no portion of said scrip shall be disposed of at any price less than the par value thereof. Any sum or sums of money necessary to pay the expenses mentioned in said chapter four hundred and four of the acts of the year eighteen hundred and ninety-two, is hereby appropriated to be paid out of the proceeds of the sale of the scrip aforesaid, or from any other money in the treasury not otherwise appropriated.

Scrip sold to be
part of loan
under 1888, 349,
and 1889, 300.

SECTION 2. Any scrip sold and issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight and chapter three hundred of the acts of the year eighteen hundred and eighty-nine.

Sinking fund,
etc.

SECTION 3. The sinking fund established under the provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-one, for the extinguishment of the debt authorized by chapter three hundred and forty-nine of the acts of the year eighteen hundred and eighty-eight and chapter three hundred of the acts of the year eighteen hundred and eighty-nine, shall be a sinking fund for the payment of the debt contracted under the provisions of this act, and shall be increased for that purpose in the following manner. The treasurer and receiver general of the Commonwealth shall pay into said sinking fund all premiums and incomes received from the sale of scrip authorized by this act, and each year there shall be raised by taxation and paid into said sinking fund such sums as will with their accretions

extinguish the debt at its maturity; the amount of such sums shall be determined by the treasurer and receiver general.

SECTION 4. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap. 439

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.
propriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit:—

For expenses of committees of the present legislature, Expenses of committees.
to include compensation and expenses of committees appointed to sit during the recess, a sum not exceeding ten thousand dollars, the same to be in addition to the amounts heretofore appropriated.

For the compensation of judges of probate and insolvency, acting for judges of probate and insolvency in other counties, where the judge of said county is sick or the office is vacant, as provided for in chapter three hundred and thirty-seven of the acts of the present year, a sum not exceeding five thousand dollars. Judges of probate and insolvency.

For the compensation and expenses of a commission to improve the highways of this Commonwealth, a sum not exceeding ten thousand dollars, as authorized by chapter three hundred and thirty-eight of the acts of the present year. Commission to improve highways.

For assistants, travelling and incidental expenses of the Metropolitan park commissioners, established by chapter three hundred and forty-two of the acts of the present year, a sum not exceeding six thousand dollars. Metropolitan park commissioners.

To enable the towns of Sandwich, Bourne and Mashpee to employ a school superintendent, as provided for by chapter three hundred and forty-four of the acts of the present year, the sum of one thousand dollars. School superintendent for Sandwich, etc.

For index books to records of births, marriages and deaths, as required by section fourteen of chapter thirty-two of the Public Statutes, a sum not exceeding five hundred dollars. Index books.

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| Electoral college. | For compensation and expenses of the electoral college, a sum not exceeding five hundred dollars. |
| Blank books. | For furnishing boards of health with blank books for the record of contagious diseases, as provided for in chapter ninety-eight of the acts of the year eighteen hundred and eighty-four, a sum not exceeding five hundred dollars. |
| Registrars of voters. | For furnishing suitable blank books to registrars of voters, as provided for in section eleven of chapter three hundred and fifty-one of the acts of the present year, a sum not exceeding one thousand dollars. |
| Granting of licenses. | For expenses in connection with the act in relation to the granting of licenses for the sale of intoxicating liquor in towns which are summer resorts, a sum not exceeding two hundred dollars. |
| Board of arbitration, etc. | For travelling, incidental and contingent expenses of the state board of arbitration and the compensation of expert assistants, a sum not exceeding two thousand dollars, being in addition to the eighteen hundred dollars appropriated by chapter thirty of the acts of the present year, the increase being necessary to carry out the provisions of chapter three hundred and eighty-two of the acts of the present year. |
| School superintendent for Dennis and Yarmouth. | To enable the towns of Dennis and Yarmouth to employ a school superintendent, as provided for by chapter three hundred and sixty of the acts of the present year, the sum of one thousand dollars. |
| Abolition of grade crossings. | For the payment of expenses in connection with the abolition of grade crossings, as provided for in section three of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, as also chapter three hundred and seventy-four of the acts of the present year, a sum not exceeding fifty thousand dollars, the same to be in addition to any amounts heretofore appropriated. |
| William H. Robison. | For William H. Robison, the sum of five hundred dollars, as authorized by chapter eighty-two of the resolves of the present year. |
| Normal school, Westfield. | For the state normal school at Westfield, the sum of five hundred fifty-four dollars and fifty cents, as authorized by chapter eighty-three of the resolves of the present year. |
| Charitable eye and ear infirmary. | For the Massachusetts charitable eye and ear infirmary, a sum not exceeding twenty thousand dollars, as authorized by chapter eighty-five of the resolves of the present year. |

For altering, improving and for the perpetual care of the burial lot of governor William Eustis in the town of Lexington, a sum not exceeding five hundred dollars, as authorized by chapter eighty-six of the resolves of the present year.

Care of burial lot of Governor William Eustis.

For the better enforcement of the law regulating the practice of pharmacy, a sum not exceeding one thousand dollars, as authorized by chapter eighty-seven of the resolves of the present year.

Practice of pharmacy.

For printing extra copies of the fourth report of the commissioner of public records of parishes, towns and counties, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding one hundred dollars.

Report of commissioner of public records.

To provide for repairing damage caused by fire at the state primary school at Monson, a sum not exceeding twenty-five hundred dollars, as authorized by chapter eighty-nine of the resolves of the present year.

State primary school.

For clerk hire and incidental expenses of the reporter of decisions of the supreme judicial court, the sum of one thousand dollars, as authorized by chapter three hundred and eighty of the acts of the present year, being in addition to the amount heretofore appropriated for the same purpose.

Clerk hire, etc., for reporter of decisions of supreme judicial court.

For expenses in connection with the state printing contract, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding two hundred dollars.

State printing contract.

For expenses in connection with an investigation of the burdens imposed on the Commonwealth by the immigration of paupers and criminals, a sum not exceeding one thousand dollars, as authorized by chapter ninety-one of the resolves of the present year.

Paupers, etc.

For the purchase of land and buildings and for the construction of a silo for the Westborough insane hospital, a sum not exceeding ten thousand dollars, as authorized by chapter ninety-two of the resolves of the present year.

Westborough insane asylum.

For compensation and expenses of the commissioners for consolidating and arranging laws relating to elections, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding three thousand dollars.

Commissioners for arranging election laws.

For the payment of expenses in connection with the hearing before the harbor and land commissioners relative to building a bridge between Boston and East Boston, as

Hearing before harbor and land commissioners.

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| | authorized by chapter ninety-five of the resolves of the present year, the sum of one thousand dollars. |
| Room for state board of health. | For leasing and furnishing a room to be used as a laboratory by the state board of health, a sum not exceeding five hundred dollars, as authorized by chapter ninety-six of the resolves of the present year. |
| New England industrial school for deaf mutes. | For the New England industrial school for deaf mutes, the sum of two thousand dollars, as authorized by chapter ninety-eight of the resolves of the present year. |
| Doorkeepers, etc. | For the doorkeepers, messengers and pages of the senate and house of representatives, the sum of forty-two hundred and sixty-eight dollars, as authorized by chapter ninety-nine of the resolves of the present year. |
| Commissioner of public records of parishes, etc. | For services of the commissioner of public records of parishes, towns and counties, from the first day of March to and including the thirty-first day of May of the present year, the sum of five hundred dollars, being in addition to any amount heretofore appropriated for the salary of said commissioner; the rent, clerical assistance and incidental expenses of said commissioner during the time as above stated shall be paid from the appropriation for travelling, clerical and other expenses in chapter three hundred and eighty-five of the acts of the present year. |
| Ballot law commissioners. | For compensation and expenses of the ballot law commissioners, a sum not exceeding fifteen hundred dollars, as authorized by chapter four hundred and six of the acts of the present year. |
| Massachusetts agricultural college. | For providing a tool house and for rebuilding the Durfee plant house at the Massachusetts agricultural college, a sum not exceeding eight thousand dollars, as authorized by chapter one hundred of the resolves of the present year. |
| Transportation of state publications. | For the payment of transportation of state publications furnished to free public libraries, a sum not exceeding five hundred dollars, as authorized by chapter four hundred and twenty-two of the acts of the present year. |
| Improvement of lands at Provincetown. | For such expenses as may be necessary to carry out the provisions of chapter four hundred and twenty of the acts of the present year relative to the improvement of lands belonging to the Commonwealth at Provincetown, a sum not exceeding three thousand dollars. |
| Office of the secretary of the Commonwealth. | For incidental and contingent expenses in the office of the secretary of the Commonwealth, to carry out the provisions of section eighteen of chapter four hundred and |

sixteen of the acts of the present year, a sum not exceeding one hundred dollars, being in addition to any amount heretofore appropriated.

For building an asylum for the chronic insane, as provided for by chapter four hundred and twenty-five of the acts of the present year, a sum not exceeding one hundred and fifty thousand dollars; for the compensation of the building committee provided for in said act, a sum not exceeding sixty-five hundred dollars, and for the travelling and other necessary expenses of the trustees of said asylum, a sum not exceeding fifteen hundred dollars.

Asylum for chronic insane.

For Mary McDonald, a sum not exceeding one hundred dollars, as provided for in chapter one hundred and two of the resolves of the present year.

Mary McDonald.

For the town of Natick, the sum of thirty-two dollars and four cents, as authorized by chapter one hundred and four of the resolves of the present year.

Town of Natick.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1892.

AN ACT RELATING TO THE EQUITY DOCKET OF THE SUPERIOR COURT *Chap. 440*
IN THE COUNTIES OF SUFFOLK AND MIDDLESEX.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty-three, as amended by chapter three hundred and sixteen of the acts of the year eighteen hundred and eighty-four, is amended to read as follows: — Such suits shall be entered upon the same docket as other cases in the superior court, except in Middlesex and Suffolk counties, where they shall be entered upon a separate docket, which shall be called the equity docket. All process shall be made returnable at the term next after fourteen days from the service of the process, if required to be served fourteen days before the return day, or at the term next after thirty days from such service, if required to be served thirty days before the return day, or at any rule day within three months after the service of the process.

1883, 223, § 5 amended.

Equity docket.

Process returnable.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-two.

To take effect July 1, 1892

Approved June 16, 1892.

RESOLVES.

Chap. 1 RESOLVE AUTHORIZING THE PUBLICATION OF A BULLETIN OF COMMITTEE HEARINGS.

Bulletin of
committee
hearings.

Resolved, That the committee on rules be authorized to publish, twice a week or oftener, a bulletin of the matters assigned for hearing before committees, and be authorized to employ clerical assistance at an expense not to exceed five hundred dollars for preparing the same, and to have it printed by the state printers.

Approved January 25, 1892.

Chap. 2 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer may
borrow money
in anticipation
of revenue.

Resolved, That the treasurer and receiver general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Approved February 5, 1892.

Chap. 3 RESOLVE IN FAVOR OF THE WIDOW OF THE LATE CHARLES F. LORING.

Widow of
Charles F.
Loring.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the widow of the late Charles F. Loring, councillor elect, the amount of salary to which said Loring would have been entitled had he lived until the expiration of his term of office.

Approved February 12, 1892.

Chap. 4 RESOLVE IN FAVOR OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Massachusetts
soldiers' home.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the

soldiers' home in Massachusetts, the sum of thirty thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Approved February 13, 1892.

**RESOLVE PROVIDING AGAINST DEPREDACTIONS BY THE INSECT KNOWN
AS THE OCNERIA DISPAR OR GYPSY MOTH.**

Chap. 5

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five thousand dollars, which sum may be expended under the direction of the state board of agriculture in continuing the work of exterminating the insect known as the ocneria dispar or gypsy moth, as provided for in chapter two hundred and ten of the acts of the year eighteen hundred and ninety-one. The above sum shall be in addition to any balance remaining unexpended of the appropriations of the year eighteen hundred and ninety-one.

Approved February 19, 1892.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE GARDINER TUFTS.

Chap. 6

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Gardiner Tufts who died on the twenty-seventh day of November in the year eighteen hundred and ninety-one, and who served as superintendent of the Massachusetts reformatory from the time it was first opened until his death, and who for many years was a faithful servant of the Commonwealth, the sum of three hundred fifty-nine dollars and seventy-two cents, being the amount of salary he would have received had he lived to perform service as superintendent as aforesaid to the end of the year eighteen hundred and ninety-one.

Approved February 29, 1892.

RESOLVE IN FAVOR OF THE TOWN OF OXFORD.

Chap. 7

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Oxford, the sum of two hundred sixty-six dollars and nineteen cents, to reimburse said town for money paid the Danvers lunatic hospital for the board of Sarah B. Dodge, a state lunatic pauper.

Approved March 4, 1892.

RESOLVE IN FAVOR OF JOANNA L. COX.

Chap. 8

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Joanna L. Cox of Dux-

bury, widow of Charles J. Cox, the sum of one hundred sixty-six dollars and sixty-seven cents, and that, from and after the first day of January in the year eighteen hundred and ninety-two, there be allowed and paid to said Joanna L. Cox, an annuity of one hundred dollars during her natural life, in equal quarterly payments; the above being the renewal of an annuity granted by the general court in the year eighteen hundred and seventy-nine, to Charles J. Cox, who lost both eyes by reason of a sunstroke received while in the service of the United States as a member of the eighteenth regiment, Massachusetts volunteers, and who died on the twenty-ninth day of April in the year eighteen hundred and ninety.

Approved March 4, 1892.

Chap. 9 RESOLVE PROVIDING FOR THE COLLECTION BY THE BUREAU OF STATISTICS OF LABOR OF CERTAIN STATISTICS RELATIVE TO FAMILIES RESIDING IN RENTED TENEMENTS IN THE CITY OF BOSTON.

Collection of statistics relating to rented tenements in Boston.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars in addition to the sum now provided by law, for the purpose of completing the collection of statistics relative to families residing in rented tenements in the city of Boston, as required by chapter one hundred and fifteen of the resolves of the year eighteen hundred and ninety-one, said sum to be expended by the bureau of statistics of labor.

Approved March 4, 1892.

Chap. 10 RESOLVE RELATING TO THE GETTYSBURG BATTLEFIELD MEMORIAL ASSOCIATION.

Gettysburg battlefield memorial association.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Gettysburg battlefield memorial association, a corporation existing in the state of Pennsylvania, a sum not exceeding four hundred dollars, for the purpose of completing and caring for the granite and bronze monument in the course of erection at a certain copse of trees on the crest of Cemetery Ridge, on the battlefield of Gettysburg, known as the "high water mark of the rebellion"; at which copse of trees Longstreet's famous assault was directed, on the third day of July in the year eighteen hundred and sixty-three, which was met at that point and repulsed by union troops, in which repulse the fifteenth, nineteenth and twentieth

Massachusetts infantry, the first Massachusetts sharpshooters and the fifth Massachusetts battery participated.

Approved March 4, 1892.

RESOLVE IN FAVOR OF JAMES BURKE.

Chap. 11

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James Burke of Turner's Falls, an annuity of one hundred dollars, for the term of five years from the first day of January in the year eighteen hundred and ninety-two, in equal quarterly payments; on account of injuries received in the Hoosac tunnel while in the employ of the Commonwealth: *provided*, that in the event of the decease of the said Burke within said term of five years this annuity shall cease.

James Burke.

Approved March 4, 1892.

RESOLVE IN RELATION TO THE TOPOGRAPHICAL SURVEY AND MAP
OF MASSACHUSETTS.

Chap. 12

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighty-five hundred dollars, which sum may be expended by the commissioners on the topographical survey and map of Massachusetts, for continuing the determination by triangulation of the boundary lines of the cities and towns of this Commonwealth during the year eighteen hundred and ninety-two.

Topographical
survey.

Approved March 10, 1892.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT
THE STATE FARM AT BRIDGEWATER.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-three thousand dollars, to be expended under the direction of the trustees and superintendent at the state farm at Bridgewater, for the following purposes: for heating, lighting, plumbing and furnishing new workhouse buildings, a sum not exceeding seven thousand dollars; for yard walls, concrete walks, paving and stone crushing plant, a sum not exceeding ten thousand dollars; and for repairs of chapel building and providing additional room, a sum not exceeding six thousand dollars.

State farm at
Bridgewater.

Approved March 15, 1892.

RESOLVE IN FAVOR OF JOHN CHARLES.

Chap. 14

Resolved, That John Charles of Chelsea, who served as a seaman in the United States navy during the war of the

John Charles.

rebellion, and who at the time of his enlistment was a citizen of Boston, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine, to the same extent that he would have been entitled had he served during his term of enlistment to the credit of this Commonwealth.

Approved March 17, 1892.

Chap. 15 RESOLVE TO CONFIRM THE ACTS OF EDWARD L. TEAD AS A JUSTICE OF THE PEACE.

Edward L.
Tead,
justice of the
peace, acts
confirmed.

Resolved, That all acts done by Edward L. Tead as a justice of the peace, between the twenty-third day of April and the seventh day of July, inclusive, in the year eighteen hundred and ninety-one, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved March 17, 1892.

Chap. 16

RESOLVE IN FAVOR OF MARY POWERS.

Mary Powers.

Resolved, That Mary Powers of Boston, widow of John Powers who was a seaman in the United States navy during the war of the rebellion, serving on board the Metacomet, Tuscarora, Mohican and other vessels, and who was a citizen of Massachusetts at date of enlistment, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent she would have been had the said John Powers served to the credit of this Commonwealth.

Approved March 19, 1892.

Chap. 17

RESOLVE IN FAVOR OF SIDNEY HERRICK.

Sidney Herrick.

Resolved, That Sidney Herrick, a resident of Marblehead, Massachusetts, who served in the United States navy as landsman during the war of the rebellion, and who at the date of enlistment was a citizen of this Commonwealth, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner

and to the same extent that he would have been entitled had he served to the credit of this Commonwealth.

Approved March 19, 1892.

RESOLVE IN FAVOR OF SHUBAEL C. NORTON.

Chap. 18

Resolved, That Shubael C. Norton, a resident of Edgartown, Massachusetts, who served in the United States navy during the war of the rebellion, and who at the date of enlistment was a citizen of this Commonwealth, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he served to the credit of this Commonwealth.

Shubael C.
Norton.

Approved March 19, 1892.

RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 19

Resolved, That, from and after the first day of January in the year eighteen hundred and ninety-three, there shall be paid annually, for the term of four years, from the treasury of the Commonwealth, to the treasurer of the Massachusetts agricultural college at Amherst, the sum of ten thousand dollars, to be expended under the direction of the trustees for the following purposes: five thousand dollars for the establishment of a labor fund to assist needy students of said college; and five thousand dollars to provide the theoretical and practical education required by its charter and the law of the United States relating thereto. Said sums shall be paid in equal quarterly payments.

Massachusetts
agricultural
college.

Approved March 19, 1892.

RESOLVE IN FAVOR OF SAMUEL H. DAMON.

Chap. 20

Resolved, That Samuel H. Damon of New Bedford, Massachusetts, who served in the United States navy during the war of the rebellion as acting ensign, and who at date of appointment as such was a resident and citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the

Samuel H.
Damon.

same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved March 19, 1892.

Chap. 21 RESOLVE TO PROVIDE FOR THE SALE OF LAND AT THE FRAMINGHAM NORMAL SCHOOL.

Framingham
normal school.

Resolved, That the board of education be authorized to sell an unused lot of land, formerly used for the purpose of sewage disposal, at the Framingham normal school, and to pay the proceeds thereof into the treasury of the Commonwealth.

Approved March 19, 1892.

Chap. 22

George H.
Gould.

RESOLVE IN FAVOR OF GEORGE H. GOULD.

Resolved, That George H. Gould of Boston, who served in the United States marine corps during the war of the rebellion as George H. Gaffiney, and who at date of enlistment was a resident and citizen of this state, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved March 19, 1892.

Chap. 23

John Ord.

RESOLVE IN FAVOR OF JOHN ORD.

Resolved, That John Ord, a resident of Medfield, who was a musician in the band of the ninth regiment, United States infantry, during the war of the rebellion, and who at date of enlistment therein was temporarily in the state of California, although a resident of Massachusetts since infancy, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved March 19, 1892.

Chap. 24

Luther F.
Chamberlain.

RESOLVE IN FAVOR OF LUTHER F. CHAMBERLAIN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Luther F. Chamberlain of Somerville, the sum of one hundred and fifty dollars,

in full compensation for loss of time and all expenses in consequence of injuries received in the town of Danvers on the thirtieth day of September in the year eighteen hundred and ninety-one, while on duty as a private in company M, eighth regiment, Massachusetts volunteer infantry; said injury being a gunshot wound received in a sham fight on the date above-mentioned, while acting under orders of the commander in chief.

Approved March 19, 1892.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE HAMILTON B. STAPLES. *Chap. 25*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Hamilton B. Staples late justice of the superior court of Massachusetts, who died on the second day of August in the year eighteen hundred and ninety-one, the sum of two thousand and fifty-six dollars and forty-five cents, being the amount of salary which the said Hamilton B. Staples would have been entitled to receive had he lived until the thirty-first day of December in the year eighteen hundred and ninety-one.

Widow of
Hamilton B.
Staples.

Approved March 19, 1892.

RESOLVE TO PROVIDE FOR THE EXCHANGE OF CERTAIN PUBLISHED COPIES OF THE EARLY ACTS AND RESOLVES OF THE GENERAL COURT. *Chap. 26*

Resolved, That the secretary of the Commonwealth be authorized to furnish each state and territorial library in the United States with one copy of the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, the publication of which is authorized by chapter one hundred and four of the resolves of the year eighteen hundred and eighty-nine; and that he be further authorized to furnish fifteen copies thereof to the state library for purposes of exchange.

Exchange of
copies of early
acts and
resolves.

Approved March 19, 1892.

RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 27*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eleven thousand dollars, to be expended at the state almshouse at Tewksbury under the direction of the trustees of said institution, for the purpose of finishing the male asylum and building summer houses.

State almshouse
at Tewksbury.

Approved March 25, 1892.

Chap. 28George A.
Barnard.

RESOLVE IN FAVOR OF GEORGE A. BARNARD.

Resolved, That George A. Barnard of Boston, who served during the war of the rebellion in the United States navy as acting assistant engineer, and who at date of his appointment was a citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved March 31, 1892.

Chap. 29Augustus
Barnes.

RESOLVE IN FAVOR OF AUGUSTUS BARNES.

Resolved, That Augustus Barnes of Boston, who served as paymaster's clerk and captain's clerk in the United States navy during the war of the rebellion and who at date of appointment was a citizen and resident of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved April 4, 1892.

Chap. 30Lyman school
for boys at
Westborough.RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE
LYMAN SCHOOL FOR BOYS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand nine hundred dollars, to be expended at the Lyman school for boys at Westborough under the direction of the trustees, for the following purposes, to wit:—for new boilers and piping in Maple cottage, so-called, repairs to the superintendent's house, a telephone and sundry sanitary repairs, a sum not exceeding twenty-four hundred dollars for a bakery, storehouse and workshop, a sum not exceeding seventy-five hundred dollars, and for supplies for the heel shop, a sum not exceeding one thousand dollars.

Approved April 4, 1892.

RESOLVE PROVIDING FOR PRINTING THE SPECIAL REPORT OF THE
STATE BOARD OF AGRICULTURE ON THE WORK OF EXTERMINA-
TION OF THE OCNERIA DISPAR OR GYPSY MOTH. *Chap. 31*

Resolved, That there be printed for public distribution five thousand copies of the special report of the state board of agriculture on the work of extermination of the ocneria dispar or gypsy moth. *Approved April 4, 1892.* Special report of board of agriculture.

RESOLVE PROVIDING FOR FINISHING AND FURNISHING THE NEW
DORMITORY AT THE STATE NORMAL SCHOOL AT WORCESTER. *Chap. 32*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, to be expended at the state normal school at Worcester under the direction of the state board of education, for the purpose of finishing and furnishing the new dormitory at said school, the building of which was authorized by chapter ninety-three of the resolves of the year eighteen hundred and ninety-one. The above sum is to include all expenses necessary to get the building ready for occupancy and to properly grade the grounds. *Approved April 5, 1892.* State normal school, Worcester.

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT
THE TAUNTON LUNATIC HOSPITAL. *Chap. 33*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-five thousand dollars, to be expended at the Taunton lunatic hospital at Taunton under the direction of the trustees of said institution, for the following purposes: for boilers and boiler house, a sum not exceeding ten thousand dollars; and for the erection of an additional wing to the hospital, a sum not exceeding forty-five thousand dollars. *Approved April 5, 1892.* Taunton lunatic hospital.

RESOLVE PROVIDING ROOMS FOR THE USE OF THE CIVIL SERVICE
COMMISSIONERS. *Chap. 34*

Resolved, That the commissioners on the state house be and they are hereby directed to provide suitable rooms, outside the state house and Commonwealth building, for the use of the civil service commissioners; and they may expend for rent of said rooms such sum as may be necessary, not to exceed fourteen hundred and fifty Rooms for civil service commission.

dollars a year. Chapter two of the resolves of the year eighteen hundred and eighty-five is hereby repealed.

Approved April 6, 1892.

Chap. 35

William C.
Merry.

RESOLVE IN FAVOR OF WILLIAM C. MERRY.

Resolved, That William C. Merry of Tisbury, who served during the war of the rebellion in company I, one hundred and thirty-second regiment of Illinois volunteer infantry, and who at date of enlistment therein was a citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved April 6, 1892.

Chap. 36

Michael J.
Fleming.

RESOLVE IN FAVOR OF MICHAEL J. FLEMING.

Resolved, That Michael J. Fleming of Palmer, who served in the United States navy during the war of the rebellion as a landsman, and who at date of enlistment therein was a resident and citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved April 6, 1892.

Chap. 37

George H.
Ross.

RESOLVE IN FAVOR OF GEORGE H. ROSS.

Resolved, That George H. Ross of Gardner, who served during the war of the rebellion in company A, third regiment, New Hampshire volunteer infantry, and who at date of enlistment was a citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

Approved April 6, 1892.

RESOLVE IN FAVOR OF GEORGE F. HUBBARD.

Chap. 38

Resolved, That George F. Hubbard of Reading, who served in company B, first battalion, eleventh regiment, United States infantry, during the war of the rebellion, and who at date of enlistment therein was a resident of this state, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

George F. Hubbard.

Approved April 6, 1892.

RESOLVE IN FAVOR OF JOHN BRICKLEY.

Chap. 39

Resolved, That John Brickley of Boston, who served in the United States navy during the war of the rebellion as acting third assistant engineer, and who at date of his appointment was a resident and citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he served to the credit of this Commonwealth.

John Brickley.

Approved April 6, 1892.

RESOLVE IN FAVOR OF CATHERINE R. DOHERTY.

Chap. 40

Resolved, That Catherine R. Doherty of Boston, widow of Michael F. Doherty who served in the United States navy during the war of the rebellion, and who at date of enlistment therein was a citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that she would have been had her late husband served to the credit of this Commonwealth.

Catherine R. Doherty.

Approved April 6, 1892.

Chap. 41

William Burt.

RESOLVE IN FAVOR OF WILLIAM BURT.

Resolved, That William Burt of Taunton, father of Jerome B. Burt who served to the credit of this state in company G, fourth regiment of Massachusetts infantry, during the war of the rebellion, and who died in said service, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent he would have been had he drawn state aid in the year eighteen hundred and sixty-six, by virtue of then existing law.

Approved April 6, 1892.

Chap. 42

County taxes granted.

RESOLVE GRANTING COUNTY TAXES.

Resolved, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county named, respectively, to be collected and applied according to law:—Barnstable, eighteen thousand dollars; Berkshire, seventy-five thousand dollars; Bristol, one hundred and eighty-eight thousand six hundred dollars; Dukes County, seven thousand five hundred dollars; Essex, two hundred and twenty-two thousand eight hundred and ninety dollars; Franklin, thirty-three thousand dollars; Hampden, one hundred and ten thousand dollars; Hampshire, forty-eight thousand dollars; Middlesex, three hundred and thirty-five thousand dollars; Norfolk, one hundred and forty thousand dollars; Plymouth, eighty-five thousand dollars; Worcester, one hundred and ninety thousand seven hundred dollars.

Approved April 6, 1892.

Chap. 43

RESOLVE TO CONFIRM THE ACTS OF ALDEN E. VILES AS A JUSTICE OF THE PEACE.

Alden E. Viles, justice of the peace, acts confirmed.

Resolved, That all the acts done by Alden E. Viles of Boston as a justice of the peace, between the thirteenth day of February in the year eighteen hundred ninety-one and the twenty-fifth day of July in the year eighteen hundred and ninety-one, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Approved April 6, 1892.

RESOLVE IN FAVOR OF OWEN DOLAN.

Chap. 44

Owen Dolan.

Resolved, That Owen Dolan of Boston, father of two sons, now deceased, who served in the war of the rebellion to the credit of this Commonwealth, as follows: — Hugh Dolan, United States navy, ship Circassian; John Dolan, United States navy, ship Preble, — shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent he would have been had he drawn state aid prior to the enactment of chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven.

Approved April 13, 1892.

RESOLVE IN FAVOR OF BETSEY WORTHINGTON.

Chap. 45

Betsey Worthington.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Agawam, an annuity of two hundred dollars, in lieu of state aid, for the benefit of Betsey Worthington during her natural life, she being the widow of a soldier who served on the Massachusetts quota in the war of eighteen hundred and twelve, and the mother of two sons who served to the credit of this Commonwealth during the war of the rebellion. Said annuity shall be so allowed from the first day of January in the year eighteen hundred ninety-two, be paid in equal quarterly instalments, and shall cease at her death.

Approved April 20, 1892.

RESOLVE PROVIDING FOR THE PRINTING AND DISTRIBUTION OF COPIES OF THE MAP SHOWING THE DIVISION OF THE COMMONWEALTH INTO CONGRESSIONAL DISTRICTS.

Chap. 46

Map of congressional districts.

Resolved, That two thousand copies be printed of the map which accompanied the report of the committee appointed at the last session of the general court for dividing the Commonwealth into congressional districts, five copies thereof to be distributed to each member and officer of the present general court, and the residue to be deposited in the office of the secretary of the Commonwealth for distribution by him in his discretion.

Approved April 20, 1892.

Chap. 47David S.
Beetle.

RESOLVE IN FAVOR OF DAVID S. BEETLE.

Resolved, That David S. Beetle of Edgartown, who served as acting ensign in the United States navy during the war of the rebellion, and who at date of appointment was a citizen and resident of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

*Approved April 20, 1892.***Chap. 48**Town of
Manchester.

RESOLVE IN FAVOR OF THE TOWN OF MANCHESTER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Manchester, the sum of two thousand two hundred and seventy-two dollars and seven cents, as reimbursement to said town for money expended for the support of Julia A. Stark, an insane state pauper.

*Approved April 22, 1892.***Chap. 49**State primary
school at
Monson.

RESOLVE TO PROVIDE FOR REPAIRING DAMAGE CAUSED BY FIRE AT THE STATE PRIMARY SCHOOL AT MONSON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of ten thousand dollars, to be expended by the trustees of the state primary and reform schools for the purpose of erecting a barn in place of one destroyed by fire on the premises of the state primary school at Monson on the fourth day of April in the present year.

*Approved April 22, 1892.***Chap. 50**Northampton
lunatic hospital.

RESOLVE PROVIDING FOR THE ENLARGEMENT AND REPAIR OF THE STATE LUNATIC HOSPITAL AT NORTHAMPTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the trustees of the state lunatic hospital at Northampton, for the purpose of enlarging the hospital and for other necessary repairs.

*Approved April 25, 1892.***Chap. 51**Worcester
county tax,
amount
changed.

RESOLVE RELATIVE TO THE AMOUNT OF THE COUNTY TAX FOR THE COUNTY OF WORCESTER.

Resolved, That chapter forty-two of the resolves of the present year is hereby amended by striking out the words

“ninety thousand seven hundred dollars”, at the end of said resolve, and inserting in place thereof the words:— fifty thousand dollars,—so that the clause relative to the tax granted for the county of Worcester shall read:— Worcester, one hundred and fifty thousand dollars.

Approved April 28, 1892.

RESOLVE IN FAVOR OF THE TOWN OF NANTUCKET.

Chap. 52

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Nantucket, the sum of two hundred fifty-two dollars and seventy cents, being the amount expended in caring for seven seamen who were wrecked on Nantucket island on the twenty-second day of January in the year eighteen hundred and ninety-two, said seamen having no settlement in this Commonwealth.

Town of
Nantucket.

Approved April 29, 1892.

RESOLVE IN FAVOR OF JAMES K. BARBOUR.

Chap. 53

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to James K. Barbour of Boston, an annuity of one hundred dollars during his natural life, in consideration of injuries sustained while defending public property at the Cooper street riot, so-called, in the year eighteen hundred and sixty-three, payable in equal quarterly instalments.

James K.
Barbour.

Approved April 29, 1892.

RESOLVE PROVIDING FOR IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Chap. 54

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve hundred dollars, for the purpose of providing standpipes and hose, conductor and drain for water from the roof of the normal school building at Framingham, for repairs and furniture for the boarding hall and for electroliers and telephone at said school; the amount to be expended under the direction of the state board of education.

State normal
school at
Framingham.

Approved April 29, 1892.

RESOLVE PROVIDING FOR REPAIRS, CURRENT EXPENSES AND THE FURTHER EQUIPMENT OF THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Chap. 55

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty-

Massachusetts
hospital for
dipsomania
and inebriates.

one thousand six hundred dollars, to be expended at the Massachusetts hospital for dipsomaniacs and inebriates, for the following named purposes : for providing said hospital with furniture and other similar articles necessary for its equipment for occupancy, a sum not exceeding fifteen thousand dollars ; for horses, carriages, harnesses, wagons and agricultural implements, a sum not exceeding four thousand dollars ; for cows, a sum not exceeding eleven hundred dollars ; for the construction of a dwelling house for the superintendent, a sum not exceeding five thousand five hundred dollars ; for repairs and alterations of farm buildings and fences, a sum not exceeding four thousand five hundred dollars ; for current expenses of said hospital and salaries of officers and employees thereof, a sum not exceeding twenty-five thousand dollars ; for the disposal of sewage, a sum not exceeding four thousand dollars ; and for the purchase of a piece of land belonging to William T. Cook, adjoining the premises of said hospital, a sum not exceeding two thousand five hundred dollars ; the expenditure for said land to be made by the trustees of said hospital, and the other expenditures hereby authorized, by the trustees and superintendent.

Approved April 29, 1892.

Chap. 56

Ella Raymond.

RESOLVE IN FAVOR OF ELLA RAYMOND.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth an annuity of two hundred dollars, to Ella Raymond of Lowell, whose husband was incapacitated from performing labor by reason of injuries incurred in the discharge of militia duty at Framingham. Said annuity shall commence on the first day of January in the year eighteen hundred and ninety-two, shall be payable quarterly, and shall continue for the term of five years, should said Ella Raymond so long survive.

Approved April 29, 1892.

Chap. 57

Normal art
school building.

**RESOLVE PROVIDING FOR FINISHING THE EXTERIOR OF THE
NORMAL ART SCHOOL BUILDING.**

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-seven hundred dollars, to be expended under the direction of the state board of education for finishing the exterior of the normal art school building, in accordance with the original design.

Approved April 29, 1892.

RESOLVE PROVIDING FOR IMPROVEMENTS AT THE STATE NORMAL
SCHOOL AT BRIDGEWATER, AND FOR PREPARING AND PRINTING
A GENERAL CATALOGUE OF THE SCHOOL. *Chap. 58*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of four thousand five hundred dollars, to be expended under the direction of the state board of education at the state normal school at Bridgewater, for the following purposes, to wit: curbstones and walks around school lot, outside sashes for school building, preparing and printing a general catalogue of the school, and for additional furniture and apparatus for the school. *Approved April 29, 1892.*

State normal
school at
Bridgewater.

RESOLVE TO PROVIDE FOR REPAIRING WORKSHOPS DAMAGED BY
FIRE AT THE STATE PRISON. *Chap. 59*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended at the state prison under the direction of the commissioners of prisons, for repairing the workshops that were damaged by fire on the eighteenth day of April in the year eighteen hundred and ninety-two. *Approved April 29, 1892.*

State prison.

RESOLVE IN RELATION TO THE SEWER FROM THE REFORMATORY
PRISON FOR WOMEN. *Chap. 60*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty dollars, to be expended by the commissioners of prisons in connecting the Cutler estate in Framingham with the sewer from the reformatory prison for women, such connection being in part payment for the right given to the Commonwealth to cross the land of said estate. *Approved May 2, 1892.*

Reformatory
prison for
women.

RESOLVE IN FAVOR OF ANDREW C. SCOTT AND DAVID L. ADAMSON. *Chap. 61*

Resolved, That Andrew C. Scott and David L. Adamson, now in the clerical service of the fire department of the city of Boston, and who were permanently disabled while engaged in the active service of said department, shall, from and after the passage of this resolve, be eligible to receive a pension and be placed on a pension roll, under the provisions, rules and limitations of chapter one hundred and seven of the acts of the year eighteen hundred and eighty and acts in amendment thereof or

Andrew C.
Scott, David
L. Adamson.

supplementary thereto, in the same manner and to the same extent that they would have been entitled had the provisions of said chapter been in force at the time they were so disabled.

Approved May 2, 1892.

- Chap. 62** RESOLVE TO PROVIDE FOR THE PUBLICATION OF A NEW EDITION OF THE COURSE OF STUDIES FOR UNGRADED SCHOOLS; A NEW EDITION OF THE SCHOOL LAWS, AND THE PURCHASE OF EDUCATIONAL BOOKS FOR THE NORMAL SCHOOLS.

New edition of course of studies of ungraded schools, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three hundred dollars for the purpose of preparing and publishing a revised edition of the course of studies for ungraded schools; a sum not exceeding five hundred dollars for preparing and publishing a new edition of the school laws; and a sum not exceeding one thousand dollars for the purchase of books upon the theory and practice of education, for the libraries of the normal schools; the several sums to be expended under the direction of the state board of education.

Approved May 6, 1892.

- Chap. 63** RESOLVES RELATIVE TO THE PARTICIPATION OF THE COMMONWEALTH IN THE WORLD'S COLUMBIAN EXPOSITION.

World's Columbian exposition.

Resolved, That, for the purpose of exhibiting the arts, industries, institutions, resources, products and general development of the Commonwealth of Massachusetts at the world's Columbian exposition at Chicago, in the state of Illinois, in the year eighteen hundred and ninety-three, there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five thousand dollars, to be expended under the direction of the governor and council to carry out the provisions of this resolve, the same to be in addition to the seventy-five thousand dollars authorized by chapter ninety-eight of the resolves of the year eighteen hundred and ninety-one.

Resolved, That the Massachusetts building, and, as far as the same is under the control of the board of managers, the Massachusetts exhibit, be closed on the first or Lord's day.

Approved May 6, 1892.

- Chap. 64** RESOLVE RELATIVE TO FURNISHING THE NEW ARMORY AT LAWRENCE.

New armory at Lawrence.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighteen hundred dollars, to be expended under the direction

of the governor and council for the care and furnishing, ready for occupancy, of the new armory now being erected in the city of Lawrence, as provided for in section eight of chapter three hundred and eighty-four of the acts of the year eighteen hundred and eighty-eight.

Approved May 6, 1892.

RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS. *Chap. 65*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand five hundred twenty-six dollars and sixty-six cents, to be expended at the state industrial school for girls at Lancaster, under the direction of the trustees of the state primary and reform schools, for the following purposes, to wit: for the erection of a brick chapel for the use of said institution, a sum not exceeding sixty-five hundred dollars; for the purchase of new stock, a sum not exceeding one thousand twenty-six dollars and sixty-six cents; for building a new hospital, a sum not exceeding fifteen hundred dollars; and for new floors, a sum not exceeding five hundred dollars. *Approved May 6, 1892.*

State industrial school for girls at Lancaster.

RESOLVE IN FAVOR OF GEORGE O. BENT.

Chap. 66

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George O. Bent of Framingham, the sum of three hundred dollars, and that from and after the first day of January in the year eighteen hundred and ninety-two there be allowed and paid to said Bent an annuity of three hundred and sixty dollars, for the term of five years, payable in equal quarterly instalments, for injuries received by him at the reformatory prison for women while in the employ of the Commonwealth. *Approved May 6, 1892.*

George O. Bent.

RESOLVE RELATIVE TO INDEXING THE NAMES OF SOLDIERS OF THE WAR OF THE REBELLION IN THE OFFICE OF THE ADJUTANT GENERAL. *Chap. 67*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventeen hundred dollars, to be expended under the direction of the governor, for the purpose of indexing the names of officers and men who served from this Commonwealth during the war of the rebellion.

Index of soldiers of the war of the rebellion.

Approved May 6, 1892.

Chap. 68Repairs at state
prison.**RESOLVE TO PROVIDE FOR REPAIRS AT THE STATE PRISON.**

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nine thousand dollars, to be expended at the state prison under the direction of the commissioners of prisons, for the following purposes:— for repairing the houses occupied by the subordinate officers, a sum not exceeding two thousand dollars; for repairing machinery and for other necessary repairs, a sum not exceeding five thousand dollars; and for enlarging the warden's office, a sum not exceeding two thousand dollars.

*Approved May 6, 1892.***Chap. 69**Fire escapes,
state primary
school, Monson.**RESOLVE PROVIDING FOR THE CONSTRUCTION OF FIRE ESCAPES AT THE STATE PRIMARY SCHOOL AT MONSON.**

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars, to be expended under the direction of the trustees of the state primary and reform schools, for the purpose of providing fire escapes at the state primary school at Monson.

*Approved May 9, 1892.***Chap. 70**

John A. Floyd.

RESOLVE IN FAVOR OF JOHN A. FLOYD.

Resolved, That John A. Floyd of Abington, who served as acting boatswain in the United States navy during the war of the rebellion, and who at date of appointment was a resident and citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been had he served to the credit of this Commonwealth.

*Approved May 9, 1892.***Chap. 71**Christie A.
Fisk.**RESOLVE IN FAVOR OF CHRISTIE A. FISK.**

Resolved, That Christie A. Fisk of Revere, widow of James W. Fisk who served as acting ensign in the United States navy during the war of the rebellion, and who at date of appointment was a resident and citizen of Massachusetts, shall, from and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the

acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that she would have been had her husband served to the credit of this Commonwealth.

Approved May 9, 1892.

RESOLVE PROVIDING FOR AN EXAMINATION BY THE BOARD OF COMMISSIONERS OF SAVINGS BANKS OF THE LAWS RELATING TO BANKS AND BANKING.

Chap. 72

Resolved, That the board of commissioners of savings banks be instructed to make a careful examination of the general laws of this Commonwealth relating to banks and banking, and within ten days from the commencement of the next session of the general court to report whether any and what alterations may be made in said laws to adapt them to the wants and interests of the people; also to report a bill to enable national banks doing business in this Commonwealth to reorganize as state banks; the total expenses under this resolve shall not exceed five hundred dollars, to be allowed and paid out of the treasury of the Commonwealth.

Commissioners of savings banks to make report in regard to laws, etc.

Approved May 17, 1892.

RESOLVE PROVIDING FOR A CONTINUATION OF THE INVESTIGATION INTO THE SUBJECT OF MANUAL TRAINING AND INDUSTRIAL EDUCATION.

Chap. 73

Resolved, That the commissioners appointed to investigate the existing systems of manual training and industrial education, in accordance with the provisions of chapter one hundred and six of the resolves of the year eighteen hundred and ninety-one, be instructed to continue said investigation and report the results thereof, with such recommendations as may seem best to them, to the next general court. The commissioners shall serve without compensation, but for expenses actually incurred in the performance of their official duties the sum of one thousand dollars in addition to that already appropriated shall be allowed and paid out of the treasury of the Commonwealth.

Manual training and industrial education.

Approved May 17, 1892.

RESOLVE RELATING TO THE APPROPRIATE REPRESENTATION OF THE SOLDIERS OF THE MASSACHUSETTS CONTINENTAL LINE ON THE BATTLE MONUMENT NOW BEING ERECTED AT TRENTON, NEW JERSEY.

Chap. 74

Whereas, On the great historic battlefield of Trenton, in the war of the revolution, the soldiers of this Common-

Soldiers of the Massachusetts continental line,

to be represented on battle monument at Trenton, New Jersey.

wealth, the men of the third regiment, continental foot, colonel William Shepard commanding; the thirteenth regiment, continental foot, lieutenant colonel Ebenezer Clapp commanding; the fourteenth regiment, continental foot, colonel John Glover commanding; the fifteenth regiment, continental foot, colonel John Paterson commanding; the sixteenth regiment, continental foot, colonel Paul Dudley Sargent commanding; the twenty-third regiment, continental foot, colonel John Bailey commanding; the twenty-sixth regiment, continental foot, colonel Loammi Baldwin commanding; the twenty-seventh regiment, continental foot, major Ezra Putnam commanding, and a company of continental artillery, captain lieutenant Winthrop Sargent commanding; took a most active and a glorious part, and

Whereas, Especially during the night before the battle, Christmas night, December, seventeen hundred and seventy-six, the men of colonel John Glover's regiment from Marblehead greatly distinguished themselves in aiding, with their great skill, the army under general Washington in the crossing of the river Delaware through the cakes of ice on that most eventful crisis in our nation's history, therefore,

Resolved, That the sum of two thousand five hundred dollars be allowed and paid out of the treasury of the Commonwealth to the treasurer of the Trenton battle monument association, a corporation established under the laws of the state of New Jersey, for the purpose of designing and moulding and placing in position at the doorway of said commemorative monument in Trenton, New Jersey, a bronze statue, six feet three inches in height, of a soldier of colonel John Glover's continental regiment from Marblehead, in this Commonwealth, in the dress of the soldiers of that organization; providing that the design shall be approved and the statue made and the sum hereby authorized, paid under the direction of his excellency the governor. *Approved May 17, 1892.*

Chap. 75

Andrew J.
Pixley.

RESOLVE IN FAVOR OF ANDREW J. PIXLEY.

Resolved, That Andrew J. Pixley of Melrose, who served in the United States navy during the war of the rebellion as acting second assistant engineer on the ships Gettysburg and Fort Donelson, and who was at the date of appointment a resident and citizen of this Common-

wealth, shall, from and after the passage of this resolve, be eligible to receive state or military aid under the provisions, rules and limitations of chapters three hundred and one and two hundred and seventy-nine of the acts of the year eighteen hundred and eighty-nine, in the same manner and to the same extent that he would have been entitled had he served to the credit of this Commonwealth.

Approved May 17, 1892.

RESOLVE TO PROVIDE FOR THE PURCHASE OF BOOKS FOR THE LIBRARY AT THE MASSACHUSETTS REFORMATORY. *Chap. 76*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended by the commissioners of prisons for the purchase of books for the library at the Massachusetts reformatory. *Approved May 17, 1892.*

Massachusetts reformatory.

RESOLVE RELATIVE TO APPLIANCES FOR DEADENING THE NOISE OF ELECTRIC CARS. *Chap. 77*

Resolved, That the board of railroad commissioners be requested to inquire whether street railway companies, operating their cars by electricity, can adopt any methods or appliances for deadening the noise incident to the operation of such cars, and to investigate any appliances exhibited for this purpose; and said board may report the result of such inquiry and investigation, with its recommendations, if any, to the next general court.

Appliances for deadening noise of electric cars.

Approved May 17, 1892.

RESOLVE TO PROVIDE ADDITIONAL CELL ROOM AT THE MASSACHUSETTS REFORMATORY. *Chap. 78*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five thousand dollars, to be expended under the direction of the commissioners of prisons for the purpose of providing additional cell room in the east wing of the Massachusetts reformatory. *Approved May 17, 1892.*

Massachusetts reformatory.

RESOLVE RELATIVE TO THE WORLD'S COLUMBIAN EXPOSITION AT CHICAGO. *Chap. 79*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended under the direction of the governor and council to enable the Commonwealth to

World's Columbian exposition.

be properly represented at the opening ceremonies of the world's Columbian exposition, to be held at Chicago, Illinois, in the month of October in the year eighteen hundred and ninety-two, through the following officials of the state government: his excellency the governor and ten members of his staff, the lieutenant governor and the executive council, the secretary of the Commonwealth, treasurer and receiver general, the auditor of accounts, the attorney-general, the brigade and battalion commanders of the Massachusetts volunteer militia, the president of the senate, the speaker of the house, the joint committee on federal relations, a special committee of nine members of the senate and twenty-two members of the house, to be appointed by the presiding officers of the two branches, the clerk and the assistant clerk of the senate, the clerk and the assistant clerk of the house, the clerk of the executive council, and the sergeant at arms. Any vacancies occurring in said joint committee on federal relations or joint special committee may be filled by the presiding officer of the branch in the representation of which such vacancies occur.

Approved May 18, 1892.

Chap. 80 RESOLVE PROVIDING FOR THE PAYMENT OF EXPENSES IN CONNECTION WITH THE DISAPPEARANCE AND FUNERAL OF THE LATE STILLMAN W. EDGELL.

Stillman W.
Edgell.

Resolved, That the sergeant-at-arms be and he is hereby directed to pay the funeral expenses of the late Stillman W. Edgell who for the past twenty-seven years has been in the employ of the Commonwealth, as messenger to the house of representatives, assistant doorkeeper to the senate, and for the past sixteen years its doorkeeper; also all expenses incurred in the search made for his person, since his disappearance on the twenty-fourth day of January in the year eighteen hundred and ninety-two, including the reward offered for information concerning him. To carry out the provisions of this resolve there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six hundred dollars.

Approved May 19, 1892.

Chap. 81 RESOLVE IN FAVOR OF HARRY W. WELCH.

Harry W.
Welch.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Harry W. Welch of Cambridge, an annuity of two hundred dollars for five

years, to be so allowed from the first day of January in the year eighteen hundred and ninety-two; said sum to be full compensation for loss of time and expenses in consequence of disabilities incurred while on duty as a member of company B, first regiment, infantry, Massachusetts volunteer militia, at the annual muster of the regiment in the year eighteen hundred and eighty-eight; said disability being the result of a cold which settled in his eyes and which became so serious that he was discharged from the militia service for disability, on the twenty-second day of September in the year eighteen hundred and eighty-eight, and since that time has been unable to obtain a livelihood, having become totally blind.

Approved May 31, 1892.

RESOLVE IN FAVOR OF WILLIAM H. ROBISON.

Chap. 82

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William H. Robison of Amherst, the sum of five hundred dollars in full compensation for injuries received by said Robison while in the discharge of his duties as an employee of the Commonwealth at the state primary school at Monson, whereby one of his legs became disabled. *Approved June 2, 1892.*

William H.
Robison.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT WESTFIELD.

Chap. 83

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of education, the sum of five hundred and fifty-four dollars and fifty cents, for the purposes of filling and grading the lot upon which the new normal school building in Westfield stands, and for laying walks thereon, said sum being the aggregate sums received and paid into the treasury of the Commonwealth by the board of education, as proceeds from the sale of a small portion of land and a dwelling house sold under the authority of chapter one hundred and four of the resolves of the year eighteen hundred and ninety-one, and for rent of said dwelling house. *Approved June 2, 1892.*

Normal school
at Westfield.

RESOLVE IN FAVOR OF THE OFFICERS, SAILORS AND MARINES WHO SERVED IN THE UNITED STATES NAVY DURING THE WAR OF THE REBELLION, AND WERE RESIDENTS OF THIS COMMONWEALTH AT THE TIME OF THEIR ENLISTMENT.

Chap. 84

Resolved, That the persons included in the list of officers, sailors and marines, prepared by the adjutant general

Officers, sailors
and marines.

in accordance with chapter fifteen of the resolves of the year eighteen hundred and seventy-five and chapter eight of the resolves of the year eighteen hundred and eighty, shall be eligible to receive all the benefits and honors embodied in chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and eighty-nine: *provided, however*, that each person shall present satisfactory proof that he was duly appointed or mustered into the service, and honorably discharged from all such appointments or enlistments therein, and under all appointments and enlistments was an actual resident of the Commonwealth.

Approved June 2, 1892.

Chap. 85 RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Charitable eye
and ear
infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended at the Massachusetts charitable eye and ear infirmary under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year. *Approved June 11, 1892.*

Chap. 86 RESOLVE PROVIDING FOR ALTERING, IMPROVING AND THE PERPETUAL CARE OF THE BURIAL LOT OF GOVERNOR WILLIAM EUSTIS IN THE TOWN OF LEXINGTON.

Care of burial
lot of governor
William Eustis.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended under the direction of the governor and council for the following purposes: For altering and improving the burial lot of the late William Eustis in the town of Lexington, who was governor of this Commonwealth during the years eighteen hundred and twenty-three, eighteen hundred and twenty-four, and until the fifth day of February in the year eighteen hundred and twenty-five, when he died, a sum not exceeding two hundred and fifty dollars; and to provide for the perpetual care of said lot, a sum not exceeding two hundred and fifty dollars. *Approved June 13, 1892.*

Chap. 87 RESOLVE PROVIDING FOR THE BETTER ENFORCEMENT OF THE LAW REGULATING THE PRACTICE OF PHARMACY.

Practice of
pharmacy.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one

thousand dollars, to be expended by the state board of registration in pharmacy, in making such investigations as they may deem proper for the better enforcement of the law in regard to the registration of those engaged in retailing drugs and medicines and putting up physicians' prescriptions, as defined in chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five.

Approved June 13, 1892.

RESOLVE PROVIDING FOR PRINTING FIFTEEN HUNDRED EXTRA COPIES OF THE REPORT OF THE COMMISSIONER OF PUBLIC RECORDS OF PARISHES, TOWNS AND COUNTIES.

Chap. 88

Resolved, That fifteen hundred extra copies of the fourth report of the commissioner of public records of parishes, towns and counties be printed, fifty copies to be in cloth, to be distributed under the direction of the commissioner of public records.

Report of commissioner of public records, etc.

Approved June 13, 1892.

RESOLVE TO PROVIDE FOR REPAIRING DAMAGE CAUSED BY FIRE AT THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 89

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty-five hundred dollars, to be expended by the trustees of the state primary and reform schools for the purpose of erecting a barn in place of the one destroyed by fire on the premises of the state primary school at Monson on the fourth day of April in the present year. The above amount to be in addition to the ten thousand dollars authorized by chapter forty-nine of the resolves of the present year.

State primary school at Monson.

Approved June 14, 1892.

RESOLVE IN RELATION TO THE STATE PRINTING.

Chap. 90

Resolved, That the chairman of the committee on printing on the part of the senate, the chairman of the said committee on the part of the house of representatives, the secretary, the treasurer, and the auditor of the Commonwealth, the clerk of the senate, and the clerk of the house of representatives, are directed to advertise for proposals for the execution of all the printing for the several departments of the government of the Commonwealth, except office stationery and blank books, for a term of three or five years from the first day of July in the year eighteen hundred and ninety-two. They shall take into consideration the circumstances and facilities of the several bidders

Contract for state printing.

for the work as well as the terms offered; they may reject any bids received, and they shall award the contract, to be based upon a working day of nine hours and equal pay for equal work performed by men and women, at such rates as they shall decide to be equitable between employer and employed, and to such bidder as in their judgment the interests of the Commonwealth may require; and they shall execute such contract in the name and behalf of the Commonwealth. Bonds satisfactory to the said officers, to an amount not less than ten thousand dollars, shall be given by the party to whom such contract is awarded, for the faithful performance of the contract.

Approved June 15, 1892.

Chap. 91 RESOLVE PROVIDING FOR AN INVESTIGATION OF THE BURDENS IMPOSED ON THIS COMMONWEALTH BY THE IMMIGRATION OF PAUPERS AND CRIMINALS.

Investigation into the subject of the migration of paupers and criminals.

Resolved, That the governor with the advice and consent of the council is authorized to appoint a board of commissioners to consist of three suitable persons, to investigate the effect on this Commonwealth of the migration of dependent persons, paupers and criminals from other states. Said commissioners shall serve without compensation, but shall be allowed for all expenses actually incurred in the performance of their official duties such sum, to be paid out of the treasury of the Commonwealth, as the governor with the advice and consent of the council shall approve. Said commissioners shall report the result of their investigations, with such recommendations as may seem best to them, to the next general court. The total amount to be expended under authority of this resolve shall not exceed the sum of one thousand dollars.

Approved June 15, 1892.

Chap. 92 RESOLVE PROVIDING FOR THE PURCHASE OF LAND AND BUILDINGS AND FOR THE CONSTRUCTION OF A SILO FOR THE WESTBOROUGH INSANE HOSPITAL.

Westborough insane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, to be expended under the direction of the trustees of the Westborough insane hospital for the following purposes, to wit: — a sum not exceeding eight thousand dollars for purchasing land and buildings for farming and other general purposes of said hospital; and

a sum not exceeding two thousand dollars for constructing a silo for the said hospital and for general repairs of and additions to the farm buildings of said hospitals.

Approved June 15, 1892.

RESOLVES PROVIDING FOR SUBMITTING TO THE PEOPLE THE ARTICLE OF AMENDMENT TO THE CONSTITUTION ABOLISHING THE PROPERTY QUALIFICATION FOR THE OFFICE OF GOVERNOR.

Chap. 93

Resolved, That the following article of amendment to the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption : —

Amendment to the constitution.

ARTICLE OF AMENDMENT TO THE CONSTITUTION ABOLISHING THE PROPERTY QUALIFICATION FOR THE OFFICE OF GOVERNOR.

So much of article two of section one of chapter two of part the second of the constitution of the Commonwealth as is contained in the following words : “and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds ;” is hereby annulled.

Abolishing property qualification for the office of governor.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective polling places in the several cities and towns, in meetings to be legally warned, and held on Tuesday the eighth day of November next, at which meetings all persons qualified to vote for state officers may give in their votes by ballot for or against said article of amendment ; and the same officers shall preside in said meetings as in meetings for the choice of state officers, and shall in open meetings receive, sort, count and declare the votes for and against the said article of amendment ; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up, and within ten days after the said meetings, transmitted to the secretary of the Commonwealth. So far as the same can be made applicable, the provisions of law applicable to the election of state officers shall apply to the taking of the vote on said article of amendment.

Vote upon article of amendment.

Ballot.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment, and the following words shall be printed on the ballot, to wit:—

Shall the proposed amendment to the constitution abolishing the property qualification for the office of governor be approved and ratified?

| |
|------|
| YES. |
| NO. |

And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Return of votes
to be examined
and result
ascertained.

Resolved, That his excellency the governor, and the council, shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office as a part of the constitution of the Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of the Commonwealth printed by public authority.

Governor to
make proclamation
of result of
vote.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment, and announcing that said article has been duly adopted and ratified by the people of the Commonwealth, and thus becomes a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the Commonwealth to take notice thereof and govern themselves accordingly; or that said article of amendment has been rejected, as the case may be.

Printed copy to
be transmitted
to cities and
towns.

Resolved, That a printed copy of these resolves, including the said article of amendment, shall be transmitted as soon as may be by the secretary of the Commonwealth to the mayors and aldermen of the several cities and the selectmen of the several towns of the Commonwealth.

Approved June 15, 1892.

Chap. 94

RESOLVE PROVIDING FOR CONSOLIDATING AND ARRANGING THE LAWS RELATING TO ELECTIONS.

Commission to
be appointed to
consolidate and

Resolved, That the governor by and with the advice and consent of the council shall appoint three able and

discreet persons, learned in the law, to be commissioners for consolidating and arranging the laws relating to elections, which may be in force and operation at the time such commissioners make their final report of their doings in the premises. Such commissioners shall collect under different titles all acts and parts of acts relating to the same subject, and shall execute and complete such consolidation and arrangement in such manner as shall render such laws most concise, plain and intelligible. The commissioners may, in consolidating and arranging these laws, omit redundant enactments and those which have ceased to have any effect or influence, reject superfluous words, and condense into as concise and comprehensive a form as is consistent with a full and clear expression of the will of the legislature, all circuitous, tautological and ambiguous phraseology; suggest any mistakes, omissions, inconsistencies and imperfections which may appear in the laws to be consolidated and arranged, and the manner in which they may be corrected, supplied and amended. The commissioners shall indicate, by brief marginal notes and references, the statutes, chapters and sections consolidated and arranged by them, and the substance of the contents of each section. They shall complete the said consolidation and arrangement and make and present their final report in print to the general court on or before the first Wednesday in February in the year eighteen hundred and ninety-three. The terms of office of said commissioners shall expire on the first Wednesday of February in the year eighteen hundred and ninety-three, and they shall receive such compensation from the treasury of the Commonwealth as the governor and council shall determine.

arrange laws
relative to
elections.

To make final
report in print
to general court
of 1893.

Approved June 15, 1892.

RESOLVE PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSES IN CONNECTION WITH THE HEARING BEFORE THE HARBOR AND LAND COMMISSIONERS, RELATIVE TO BUILDING A BRIDGE BETWEEN BOSTON AND EAST BOSTON.

Chap. 95

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one thousand dollars, for the purpose of paying the expense of reporting and printing the testimony taken before the board of harbor and land commissioners, in the hearing relative to the building of a bridge between Boston and East Boston, the said hearing having been given under authority of

Expenses of
hearing before
harbor and land
commissioners.

chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety-one. The bills for the above expenditure shall be approved by the harbor and land commissioners and presented to the auditor of the Commonwealth for allowance, in the same manner as other claims against the Commonwealth.

Approved June 15, 1892.

Chap. 96 RESOLVE PROVIDING FOR LEASING AND FURNISHING A ROOM TO BE USED AS A LABORATORY BY THE STATE BOARD OF HEALTH.

Laboratory,
state board of
health.

Resolved, That the sergeant-at-arms is directed to lease and furnish a suitable room or rooms to be used as a laboratory by the state board of health, and that a sum not exceeding five hundred dollars be allowed and paid out of the treasury of the Commonwealth therefor.

Approved June 15, 1892.

Chap. 97 RESOLVE RELATIVE TO AN EXHIBIT OF ROAD MAKING AND ROAD MAKING MACHINERY AT THE WORLD'S COLUMBIAN EXPOSITION.

Exhibit of road
making, etc., at
Columbian
exposition.

Resolved, That the board of world's fair managers of Massachusetts, representing the Commonwealth at the Columbian exposition, be instructed to urge upon the director general of said exposition the great importance of there being a comprehensive exhibit of the construction and maintenance of roads at said exposition, and be classed as a department, and a building constructed for this department, in which road making and road making machinery can be shown as an object lesson by skilled workmen.

Approved June 15, 1892.

Chap. 98 RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

New England
industrial
school for deaf
mutes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England industrial school for deaf mutes, in the town of Beverly, the sum of two thousand dollars, to be expended under the direction of the trustees thereof; one thousand dollars of said sum to be applied towards the payment of the debts of said institution, and the balance to be used for the educational purposes of the school for the present year, and the trustees of said school shall report to the state board of education.

Approved June 15, 1892.

RESOLVE IN FAVOR OF THE MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 99

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, in addition to the sums now provided by law, the sum of one hundred dollars each, to the doorkeepers, postmaster and messengers of the senate and house of representatives, to the clerk, messengers, watchmen and fireman of the sergeant-at-arms, the extra clerks of the senate and house of representatives, the clerk of the document room, the messenger of the expenditure committee and the two elevator men, and the sum of sixty-seven dollars to each page.

Messengers,
pages, etc.*Approved June 15, 1892.*

RESOLVE PROVIDING FOR A NEW TOOL HOUSE AND FOR REBUILDING THE DURFEE PLANT HOUSE AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 100

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand dollars, to be expended at the Massachusetts agricultural college under the direction of the trustees of said college, for the following purposes: for the erection of a new tool house, shop and sheds for the horticultural department, a sum not exceeding two thousand dollars; for rebuilding the Durfee plant house and the erection of a rose house, vegetable house and cold grapery in connection therewith, a sum not exceeding six thousand dollars.

Massachusetts
agricultural
college.*Approved June 16, 1892.*

RESOLVE RELATIVE TO THE OBSERVANCE OF THE FOUR HUNDREDTH ANNIVERSARY OF THE DISCOVERY OF AMERICA.

Chap. 101

Resolved, That the governor of the Commonwealth be authorized and requested to issue a proclamation recommending to the people a due observance in all their localities, of the four hundredth anniversary of the discovery of America, and especially by appropriate exercises in their schools commemorative of said event.

Observance of
four hundredth
anniversary of
discovery of
America.*Approved June 16, 1892.*

RESOLVE IN FAVOR OF MARGARET McDONALD.

Chap. 102

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Margaret McDonald, widow of Owen McDonald who was injured at the Hoosac tunnel while in the employ of the Commonwealth, an an-

Margaret
McDonald.

nuity of one hundred dollars for the rest of her natural life, should she remain unmarried, payable in equal quarterly instalments.

Approved June 16, 1892.

Chap.103 RESOLVE PROVIDING FOR THE PRINTING OF FIVE HUNDRED ADDITIONAL COPIES OF PART SECOND OF THE REPORT OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

Report of commissioners of savings banks.

Resolved, That there be printed five hundred additional copies of part second of the annual report of the board of commissioners of savings banks, to be distributed under the direction of said commissioners.

Approved June 16, 1892.

Chap.104

Town of Natick.

RESOLVE IN FAVOR OF THE TOWN OF NATICK.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Natick, the sum of thirty-two dollars and four cents, as reimbursement to said town for money expended for the support of Sarah E. Bowker at the Worcester lunatic hospital.

Approved June 16, 1892.

Chap.105 RESOLVE RELATIVE TO THE BUST OF THE LATE COLONEL GARDINER TUFTS.

Bust of colonel Gardiner Tufts to be placed in state house.

Resolved, That the commissioners on the state house are hereby directed to assign a suitable place in the state house for the marble bust of the late colonel Gardiner Tufts, tendered to the Commonwealth by the Tufts memorial association; said Gardiner Tufts having for more than thirty consecutive years occupied positions of responsibility in the service of the Commonwealth, commencing during the war of the rebellion as state agent for the care of Massachusetts soldiers, and subsequently rendering efficient service as superintendent of the Massachusetts reformatory.

Approved June 16, 1892.

Chap.106

Widow of Horace E. Miller.

RESOLVE IN FAVOR OF THE WIDOW OF HORACE E. MILLER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Horace E. Miller, member of the house of representatives from the fourth Franklin district, the compensation, travelling expenses and mileage that said Miller would have been entitled to had he lived to the end of the present session.

Approved June 16, 1892.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed article of amendment to the Constitution has been officially certified and deposited in the office of the secretary of the Commonwealth, as required by section 32 of chapter 2 of the Public Statutes, and if agreed to by the general court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection :—

Proposed
amendment to
the constitution.

**RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION
RELATIVE TO THE PAYMENT OF MILEAGE TO MEMBERS OF THE
GENERAL COURT.**

Resolved, That it is expedient to alter the Constitution of the Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

Relative to pay-
ment of mileage
to members of
general court.

ARTICLE OF AMENDMENT.

So much of article two of section three of chapter one of the Constitution of the Commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.", is hereby annulled.

HOUSE OF REPRESENTATIVES, February 5, 1892.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

WILLIAM E. BARRETT, *Speaker*.

SENATE, February 11, 1892.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

ALFRED S. PINKERTON, *President*.

RESOLUTIONS.

RESOLUTIONS RELATIVE TO THE DECEASE OF CHARLES F. LORING.

Whereas, By the death of the honorable Charles F. Loring, councillor elect of the Commonwealth, this state has lost a valued citizen, beloved and respected for his noble personal traits and unspotted integrity of character, and one who gave promise of distinguished service to the Commonwealth ;

On the death of
hon. Charles
F. Loring,
executive coun-
cillor elect.

Resolved, That a committee consisting of seven members of the house be appointed to represent this house at his funeral.

Resolved, That these resolutions be entered upon the journal of the house, and that a copy be transmitted to the family of the deceased.

In House of Representatives, adopted January 27, 1892.

RESOLUTIONS RELATING TO THE ADOPTION OF NATIONAL LEGISLATION PROVIDING FOR THE USE OF IMPROVED CAR COUPLERS AND BRAKES, AND THE GREATER SAFETY OF PASSENGERS.

Whereas, resolutions were adopted by the last general court relative to urging upon congress the adoption of legislation providing for the use of improved car couplers and brakes and improved devices for the safety of passengers upon railroads, and a committee of members of the last general court was appointed to proceed to Washington and represent to the appropriate committee or committees of congress the need of such legislation, which committee has been unable to discharge its duties as yet, owing to the fact that the proper time has not arrived ; and

Improved car
couplers and
brakes, etc.

Whereas, it is desirable that there should be an expression of the opinion of the present general court upon the same subject and a committee appointed to act with the committee of last year, —

Resolved, That in the opinion of this general court legislation should be enacted by congress which will tend

to prevent the loss of life resulting from the present dangerous and imperfect methods of car coupling and insufficient brakes, and from the present methods of heating, lighting and operating railway cars ;

Resolved, That a joint special committee of the present general court, to consist of two members on the part of the senate and three members on the part of the house be appointed to proceed to Washington and act with the committee of the last general court in urging this matter upon the attention of the appropriate committee or committees of congress.

In House of Representatives, adopted February 15, 1892.

In Senate, adopted in concurrence February 16, 1892.

RESOLUTIONS RELATIVE TO THE TRANSFER OF THE REVENUE MARINE
FROM THE JURISDICTION OF THE TREASURY DEPARTMENT TO THE
JURISDICTION OF THE NAVY DEPARTMENT.

Transfer of the
revenue marine
to the jurisdic-
tion of the navy
department.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, respectfully and earnestly urge upon congress the importance and public benefit of transferring the officers, seamen and vessels of the revenue marine, from the jurisdiction of the treasury department to the jurisdiction of the navy department, and request congress to pass a bill effecting that purpose.

Resolved, That copies of these resolutions be sent to the presiding officers of both houses of congress, and to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted February 16, 1892.

In Senate, adopted in concurrence February 19, 1892.

RESOLUTIONS RELATING TO THE FISHERIES OF MASSACHUSETTS.

Relative to the
fisheries of
Massachusetts.

Resolved, That the senate and house of representatives of Massachusetts, in general court assembled, respectfully call the attention of the congress of the United States to the fact that the menhaden, mackerel and other fisheries along the seacoast and shore of Massachusetts are of great importance and value to her people ; that the Commonwealth has made large expenditures for the protection and preservation thereof, and that any interference with the rights of the people of Massachusetts therein, as now established by the supreme court of the United States,

would be of great damage and injury to them. And therefore they respectfully memorialize congress to refrain from abrogating or interfering with the interests in and control over said fisheries, now held and exercised by the Commonwealth of Massachusetts, and especially to refrain from enacting such legislation as is embodied in bill number five thousand and thirty, now pending in the house of representatives of the United States.

Resolved, That the governor of the Commonwealth of Massachusetts be authorized and requested to appoint two or more suitable persons, who shall appear before the committee on merchant marine and fisheries of the house of representatives of the United States at the hearing upon said bill, to state the position of Massachusetts upon the subject, and to oppose said bill as being injurious to her interests and to the welfare of her people; and further

Resolved, That a copy of these resolutions be transmitted to each of the senators and representatives of Massachusetts in congress, and that they are hereby requested to protect by all proper means the rights and interests of Massachusetts in the premises.

In Senate, adopted February 16, 1892.

In House of Representatives, adopted in concurrence February 25, 1892.

RESOLUTIONS RELATIVE TO THE MANUFACTURE OF CLOTHING IN UNHEALTHY PLACES AND THE TRANSPORTATION OR SALE OF CLOTHING SO MANUFACTURED.

Resolved, That it is the sense of the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, that legislation to prevent the manufacture of clothing in unhealthy places, and the transportation or sale of clothing so manufactured, is wise and expedient, and that the general court respectfully urges upon the congress of the United States such action as will best accomplish this result.

On the manufacture, etc., of clothing made in unhealthy places.

Resolved, That copies of these resolutions be sent to the presiding officers of both houses of congress and to senators and representatives in congress from this Commonwealth.

In Senate, adopted February 25, 1892.

In House of Representatives, adopted in concurrence March 1, 1892.

RESOLUTIONS.

RESOLUTIONS CONCERNING PORTRAITS OF FORMER GOVERNORS OF
THE COMMONWEALTH.

Thanks to various persons for gifts of portraits of former governors of the Commonwealth.

Resolved, That the thanks of the Commonwealth be given to Shepherd Brooks, Francis Brooks and Peter C. Brooks, for their gift to the state of a portrait of governor John Brooks ;

To John Chandler Bancroft Davis of New York, George Henry Davis and Horace Davis of California, Andrew McFarland Davis of Massachusetts and John Davis of Washington, District of Columbia, for their gift to the state of a portrait of governor John Davis ;

And to Alexander H. Rice, formerly governor of the Commonwealth, for his gift to the state of a portrait of himself ;

And that said portraits, with other portraits of former governors which may hereafter be received, be hung in such places in the state house as the governor may direct.

In House of Representatives, adopted March 16, 1892.

In Senate, adopted in concurrence March 18, 1892.

RESOLUTIONS RELATIVE TO MEMORIALIZING CONGRESS TO RESTORE
JOHN M. GOODHUE TO THE ARMY, AND TO PLACE HIM ON THE
RETIRED LIST.

Relative to restoration of John M. Goodhue to former rank in United States army.

Resolved, That the senators and representatives of this Commonwealth in congress are hereby requested to use their best efforts to secure the passage of an act restoring John M. Goodhue, a citizen of this Commonwealth, to the rank held by him in the United States army at the time of his retirement, and placing him on the retired list.

Resolved, That copies of these resolutions be sent to the senators and representatives of this Commonwealth in congress.

In Senate, adopted March 23, 1892.

In House of Representatives, adopted in concurrence March 28, 1892.

RESOLUTIONS RELATIVE TO THE ESTABLISHMENT OF A LIFE SAVING
STATION AT CITY POINT.

Life saving station at City Point.

Whereas, A serious accident has recently occurred off City Point in the city of Boston, whereby eight persons lost their lives by drowning ; and

Whereas, Many accidents of a similar nature have heretofore occurred near the same point, and are likely to occur in the future, resulting in great loss of life, unless some provision is made for the rescue of persons in peril of drowning;

Resolved, That our senators and representatives in congress are requested to lay before congress, or before the proper officials of the national government, the importance of establishing and maintaining another life saving station on the coast of Massachusetts, to be located at City Point;

Resolved, That a copy of these resolutions be transmitted to each senator and representative from this Commonwealth in the congress of the United States.

In House of Representatives, adopted April 25, 1892.

In Senate, adopted in concurrence April 25, 1892.

RESOLUTIONS ON THE DEATH OF STILLMAN W. EDGEELL.

Resolved, That the senate hereby records its appreciation of the character and services of the late Stillman W. Edgell, for many years doorkeeper of the senate. On the death of Stillman W. Edgell.

Resolved, That by his decease the senate loses a valuable officer and the Commonwealth a faithful public servant and a good citizen.

Resolved, That he deserved high praise for his patriotic devotion and unselfish sacrifice while serving his country during the war of the rebellion.

Resolved, That as a mark of respect to his memory the senate be represented at his funeral by a committee of four.

Resolved, That the profound sympathy of the senate be extended to the family of the deceased and that a copy of these resolutions be transmitted to them by the clerk of the senate.

In Senate, adopted April 26, 1892.

RESOLUTION AGAINST THE MONOPOLY OF MINING AND TRANSPORTING ANTHRACITE COAL.

Resolved, That, whereas a combination has been formed which has secured a substantial monopoly of mining and transporting anthracite coal, so that our people for this necessity, essential to their life and prosperity, are placed at the mercy of a few individuals who have already indicated their purpose by a large and unusual increase in the Against the monopoly of mining and transporting anthracite coal.

price of fuel,—we therefore request our senators and representatives in congress to make all reasonable efforts to secure the passage of laws effectual to prevent such combinations, destroy such monopolies, and put the supply of fuel as nearly as may be beyond the reach of private speculation.

The secretary of the Commonwealth is requested to transmit forthwith a copy of this resolution to each of our senators and representatives.

In Senate, adopted May 13, 1892.

In House of Representatives, adopted in concurrence May 19, 1892.

RESOLUTIONS RELATING TO THE IMMIGRATION OF PAUPERS, CRIMINALS AND DEPENDENT PERSONS.

Relating to the
immigration of
paupers,
criminals, etc.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, earnestly and respectfully urge upon the congress of the United States and the executive and legislative departments of the several states, the importance of adopting legislative measures establishing a uniform policy in dealing with immigrants from foreign countries, and persons migrating from state to state, who are dependent upon public or private charity, and are of idle, vicious or criminal habits.

Resolved, That the secretary of the Commonwealth be requested to transmit copies of the foregoing resolution to the presiding officers of both houses of the congress of the United States, to each of the senators and representatives therein from this Commonwealth, and the governors of the several states of the United States.

In Senate, adopted May 13, 1892.

In House of Representatives, adopted in concurrence May 23, 1892.

RESOLUTIONS UPON THE DEATH OF HORACE E. MILLER, LATE REPRESENTATIVE FROM THE FOURTH FRANKLIN DISTRICT.

On the death of
Horace E.
Miller.

Resolved, That the house of representatives learns with sorrow of the death of Horace E. Miller, late a member of this house from the fourth Franklin district ;

Resolved, That the house desires to publicly attest its regard for him as a man of great integrity of character and one who had won the respect of all his associates by

his estimable personal traits and the conscientious manner in which he discharged his public duties; and that the house further desires to express its sympathy with the family and friends of the deceased;

Resolved, That these resolutions be entered at length upon the journal of the house, and that an engrossed copy be transmitted to the family of the deceased.

In House of Representatives, adopted June 16, 1892.

The general court of 1892, during its annual session, passed four hundred and twenty-nine acts and one hundred and six resolves, which received the approval of his excellency the governor. In addition to these the following acts were laid before the governor and failed to receive his approval, but as they were not returned by him, with his objections thereto, within five days after receiving the same, the general court not having adjourned in the meantime, said acts had "the force of a law," under the provisions of the Constitution, and have been so certified, viz.:—

An Act to establish the salaries of the justice and clerk of the police court of Marlborough. [Chap 93.]

An Act to establish the salary of the justice of the East Boston district court. [Chap 100]

An Act to establish the salaries of the county commissioners for the county of Plymouth. [Chap 298]

An Act to establish the salaries of the county commissioners for the county of Essex. [Chap 354.]

An Act to incorporate the Roxbury Trust Company. [Chap 394.]

An Act to incorporate the Beacon Trust Company. [Chap. 395.]

An Act to incorporate the West Lynn Trust Company. [Chap. 396.]

An Act to incorporate the Essex County Safe Deposit and Trust Company [Chap 397.]

An Act to incorporate the Plymouth County Safe Deposit and Trust Company. [Chap. 398.]

An Act to establish the salaries of the county commissioners for the county of Norfolk [Chap 399.]

An Act to incorporate the Columbia Trust Company. [Chap. 400.]

Six acts, entitled respectively, "An Act to establish the salary of the justice of the fourth district court of eastern Middlesex", "An Act to establish the salary of the justice of the police court of Williamstown", "An Act to authorize the Connecticut River Railroad Company to increase its capital stock", "An Act to permit the sale of trout artificially raised in this Commonwealth, between the fifteenth day of January and the first day of April in each year", "An Act to authorize the city of Woburn to appoint a superintendent of public buildings" and "An Act to establish Fire District Number One in the town of Webster" were passed and laid before the governor for his approval and were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the constitution, and the vote being taken on passing the same, notwithstanding the objections of the governor thereto, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative.

RESOLUTIONS.

"An Act to promote temperance by the suppression of the liquor saloon and tippling shop", was laid before the governor for his approval and was returned by him to the house of representatives, the branch in which it originated, with his objections thereto: was reconsidered and passed, notwithstanding the objections of the governor thereto, two thirds of the members present and voting thereon having voted in the affirmative. The act was thereupon sent to the senate, was reconsidered, and the vote being taken on passing the same, notwithstanding the objections of the governor thereto, it was rejected, two thirds of the senators present and voting thereon not having voted in the affirmative.

The general court was prorogued on Friday, June 17, at 12.46 A.M. the session having occupied one hundred and sixty-three days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM E. RUSSELL.

At twelve o'clock on Thursday, the seventh day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the senate and house of representatives, in convention, and delivered the following:—

ADDRESS.

Gentlemen of the senate and house of representatives.

Profoundly grateful to the people of the Commonwealth for the renewed confidence which has again entrusted me with important public duties, I enter upon their discharge by submitting to you such suggestions and recommendations as seem to merit your consideration and action.

This privilege of addressing the legislature, accorded the governor by long established custom, is not, in my judgment, best used in a perfunctory statement of the recommendations of the various departments of the Commonwealth, all of which are set forth fully in their reports to you. I believe it better to make this the occasion for a broader treatment of public questions, for giving expression to the people's wishes and wants, and for suggestion to the legislature, and through it to the public, of any policy or reform which seems to the governor wise and necessary, and for which he is ready to assume responsibility. Department recommendations can be called to your attention in a later message, if necessary,

with such endorsement or criticism as they suggest. This course separates more clearly the views of the executive and of the departments, and gives to both greater emphasis and responsibility. It requires the chosen representative of the people, as his first duty, to submit to you their opinion, indicated by their votes, upon such public matters within your jurisdiction as demand your attention. So will elections mean a choice between principles and measures rather than between men.

The close dependence of the people upon their state government, the great and immediate control it exercises over them and their liberty, property and welfare, make the duty imperative of keeping that government efficient and responsible in its work, and of adopting any changes or reforms necessary to this end. With the tendency each year to increase its duties and to multiply its subjects, and thus to enlarge its power over public and individual interests, the greater is the necessity that this power should be restrained by such official responsibility as will keep it well within the control of the people, and make every administrative officer answerable to them. "The first requisite of efficient administration," says an experienced writer, "is power with responsibility to a constituency which can readily call it to account." Machinery of government which worked easily and well when its duties were comparatively few and simple, may be too cumbersome to meet its many and complicated duties of later days, and entirely inadequate to bring the government, now more and more felt by the people, within their control. Faithful and efficient service may make a bad system work well, or mitigate its lack of responsibility; but sound administration cannot permanently be had under such conditions, nor until the system itself is changed and corrected.

In my judgment the time has come when the attention of the legislature ought to be directed to the executive branch of our government, to the great increase of its duties, the lack of uniformity or system in the organization created for their discharge, and its entire absence of responsibility, except in the high character and conscientious service of officials in its various departments. My criticism is not of officials, but of a system; and the test of that system is not the faithful work which they have

done, but the unfaithful work others might do without adequate responsibility to call them to account. If danger lurks in the system, if it can permit arbitrary acts without control, misconduct without correction, or official administration without responsibility, it is wrong.

A year ago in my inaugural address I briefly considered this subject. The experience of the year has strengthened my conviction upon the views and recommendations then expressed. As the subject has been constantly before the people in the mean time, by executive action, debate in the legislature, and discussion through the press and in the last political campaign, and the people may fairly be considered to have formed and expressed their opinion upon it, I deem it my first duty to urge upon you a thorough examination of our methods of executive and administrative work, and the adoption of such changes as will bring into it complete responsibility to the people, and will simplify machinery at present complex, without system or uniformity.

A brief examination of the gradual but large growth of executive work and executive offices in the more than one hundred years of our constitutional government, is necessary for an intelligent consideration of this matter. For some years after the adoption of our constitution in 1780 there were few administrative officers to be appointed or supervised by the governor. While the constitution definitely fixed the appointment and tenure of judicial and military officers, it left to the legislature the power "to provide by fixed laws for the naming and settling all civil officers within the Commonwealth, the election and constitution of whom are not in this form of government otherwise provided for, and to set forth the several duties, powers and limits of the several civil and military officers of the Commonwealth." It was not then foreseen, nor has it been at any time since, how great would be the growth of executive work, and how varied and intricate the subjects of public and private interest with which it would deal. Consequently, neither by the constitution nor by any legislative act, has there been established any uniform system; but, as the exigency of the moment demanded, an office has been created, apparently without much thought of its relation to the executive machinery already or thereafter to be established. As in the multiplicity of laws it becomes imperative at last to codify and

systematize them, so in the multiplicity of offices the same necessity may exist.

The growth of the Commonwealth, the creation and increase of her penal, reformatory and charitable institutions and of new subjects of public supervision or control, have compelled the legislature, under the authority conferred upon it, to establish numerous offices and departments as the necessary machinery for the administration of this work. Most of these are of comparatively recent date, created with little regard to uniformity of government or direct responsibility. There are today in the executive department of the Commonwealth over three hundred officers, commissioners and trustees, not including clerks and other subordinate officers, participating by statute authority in the administration of our government. There are over twenty-five state commissions (some, however, not purely executive), and more than one hundred trustees of public institutions. Whether this number can be reduced by abolition or consolidation of offices has been considered by a special committee of the last legislature, who will submit to you the result of its investigation.

In my judgment that question is rather one of detail than of principle, and by no means as important as the question of uniformity and responsibility in the administration of these public trusts. At present there is neither. The tenure of some commissioners and trustees is three years; of others, five; of others, seven; and of one board, eight. This tenure is fixed by law, and gives the occupant a right to hold the office for its full term, in the absence of express statute provision for removal. In many of the statutes there is no such provision, and where it exists there is no uniformity. Members of four commissions and the medical examiners can be removed for sufficient cause by the governor with the consent of the council; members of eleven commissions can be removed with or without cause by the governor, but only with the same consent. Only eight officers, outside of the district police, can be removed by the governor alone, upon his own responsibility. That is the extent of his effective and responsible executive control. Five boards of trustees are removable "for sufficient cause," but without any provision as to who shall exercise this power. Of the remaining administrative boards and officers

appointed for a fixed term, including the boards of lunacy and charity, of health, of education, of prisons, the state members of the board of agriculture, and other officers holding important public trusts, there is no power of removal in any body, except by the cumbrous machinery of impeachment. More than one hundred and twenty important executive officers are thus, during a tenure of office varying from three to eight years, beyond the reach and control of any executive power. All of these officers perform public duties, expend public money and administer public trusts. In some way they should be made responsible to the people. Otherwise there is danger of friction and conflict. Arbitrary acts cannot be controlled, misconduct cannot be punished, nor can any one be held directly and properly responsible for official action.

As an illustration of our irresponsible system, I again call the attention of the legislature to our method of prison management. At present the warden in charge of the prison has no power over his principal subordinates, either in their appointment or removal, except with the concurrence of the prison commissioners, with an appeal to the governor and council in case of conflict; the commissioners in charge of the institution have no power over the appointment or removal of the warden; and neither the governor nor any one else has any power over the commissioners. In case of mismanagement, inefficiency, or trouble and insubordination within the prison, such as have occurred in times past, where lies the responsibility or the remedy? In my judgment, the warden should be given power over his subordinate officials, the prison commissioners power over him, and the governor power over them; and for its exercise, he should answer to the people. A bill to this effect was reported to the last legislature by one of its committees. In the house it was amended by a provision that the power of the governor should be exercised only with the consent of the council, thus destroying the most important link in the chain of responsibility, and the one which brought this executive power within the control of the people, and its exercise under responsibility to them. The bill as amended was properly defeated in the senate.

Suppose that some administrative board, within its limited authority in part to administer the people's gov-

ernment, should knowingly adopt a policy against the wish of the people, or against their will as deliberately expressed through their legislature, — are the people to have no control over such board or its action? Is their government to this extent to be beyond their reach?

All must agree that the safe and democratic form of government is to make these administrative officers in some way responsible to the people. This is in accord with the constitutional intent, as expressed in the declaration of rights, that "All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them." Again it says: "In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments." In giving to the legislature authority to create administrative offices, and to fix their tenure, duties and powers, the constitution contemplated that such authority would be exercised with due observance of its injunctions to make such officers accountable to the people, and to preserve to the people their power over them.

How can this best be done? It is not practicable to elect them. They must be appointed; and, to be responsible to the people, they should be under the control of the elected servants of the people. They cannot be made responsible directly to the legislature, for this is expressly forbidden by the constitution. The legislature which created the office, can abolish it; but responsibility dependent upon such remedy involves destruction of the administrative machinery whenever a particular administrator is inefficient or unfaithful. There remains only its power of impeachment, restricted to cases of "misconduct and maladministration in office." This involves trial and conviction upon formal charges, and requires so much time and effort that it cannot be an effective and constant means of making administrators responsible to the people.

The power of removal, as a necessity for responsible control, must then be vested in the executive department;

and I submit that it can best be vested in the head of that department. Our constitution, in creating his office, declared that he "shall be a supreme executive magistrate;" and, further, "that he should in all cases act with freedom for the benefit of the public." It nowhere limits his executive supervision of executive work, nor suggests that his direct and immediate responsibility to the people should be lessened by statutory creation of departments, boards and offices beyond his control. If they are not within his control they are beyond that of the people.

Provisions much like ours in the constitution of Pennsylvania have been construed by her supreme court as vesting in the governor the absolute power of removal. In its decision the court says: "The powers of the governor are never suspended. He is at all times authorized to exercise 'the supreme executive power.' The fact that an officer may be removed by the dilatory process of impeachment creates no argument against the summary power of removal by the governor. Crime, imbecility or gross neglect of duty, may demand that an officer shall be removed at once. The power to protect the people of the Commonwealth by prompt action is wisely given to the governor. In giving construction to the constitution, we cannot assume that he will abuse that high trust."*

Our constitution, framed and adopted in the midst of war, when military powers were uppermost in the minds of the people, and remaining unchanged in this respect through wars and rebellions within and without the Commonwealth, gives to the governor at such times power almost autocratic. The exercise of this power by a governor accountable to the people has been ever—but especially during the civil war, by the great Andrew—efficient, responsible, and to their entire satisfaction. It is hardly conceivable that the constitution intended that the governor, thus trusted with great responsibility and power in time of danger, should in civil administration have but little power, and be in name only the "supreme executive magistrate." I think the framers of the constitution meant that the governor should be in fact the chief magistrate, and as such should have authority commensurate with his responsibility; and this not for the purpose

* *Lane v. Commonwealth*, 103 Pa. St. 481.

of giving him power, but of imposing upon him responsibility, and so retaining power in the people. To them he is directly responsible for the exercise of his power, and he hardly begins his duties before he is called upon to account to them. If he cannot justify his acts, he deserves and receives their condemnation.

The council has its function in the executive government. The constitution created it "for advising the governor," not for tying his hands, not for dictating his appointments, nor for exercising coördinate and equal power with him. It creates not ten but one "supreme executive magistrate." The jurisdiction of the council was fully and ably discussed in the constitutional convention of 1853. No one in that elaborate debate claimed as part of its power the right to advise in cases of removals from office. Its only powers, as there stated and claimed, were to advise and consent to appointments, to advise in cases of pardon, to audit accounts, and to act as the supreme returning board in the election of state officers. These powers a majority of the convention deemed of sufficient importance to justify the continued existence of the council.

In appointments to office there may well be a confirming power. It is approved by an experience of more than a century in national and state government; it affords an opportunity to correct mistakes, and to defeat any improper or personal influences governing an appointment; but it still leaves to the executive a field for selection practically unlimited. If not abused and made a power to dictate, it does not infringe upon executive responsibility. Whether this power can better be exercised by the senate, as in the national government and in many states, or by the council, does not seem to me of the greatest importance; nor does the question whether the council itself shall remain or be abolished, although in but three of our forty-four states is there an elected executive council. But whether power to remove shall be shared by the council is of great importance, and vitally affects executive responsibility. This power is necessary for proper executive control. If not entrusted to one alone, either its efficiency is lost, or greatly impaired by divided responsibility. Such divided responsibility, or no responsibility, is the system of executive management established in this Commonwealth wholly by

statute law, mostly of recent enactment. Experience has shown as practical results of such a system :—

First. That neither the governor nor the people through him have any adequate power over the executive departments, of which he is the head, but his power is practically limited to suggestions, advice and appointments to fill vacancies.

Second. That over many of the departments and executive offices there is no power of control in any one.

Third. That the power of removal and so of control usually requires for its exercise a formal trial upon specific charges, and proof of absolute malfeasance in office.

Fourth. That an officer of an important public department, accused of official misconduct which, in the opinion of the governor, requires his removal, may remain in office without the confidence and against the will of his executive chief.

Fifth. That a member of an important commission may hold his office indefinitely after his term has expired, without appointment and without the approval of the governor.

Sixth. That nominees of the governor, beyond criticism and objection, may be refused confirmation for the sole and declared purpose of holding in office men whose term of office has expired.

Seventh. That with the present limitations upon the power of removal, the power to confirm can always be used for this purpose, and successfully in every case of an expired term.

I state these results of our present system not to discuss here executive action in any particular case, but because I believe all can agree, whatever their opinion in such case, that a system which can produce such results is without proper responsibility, and ought to be so changed as to give to the chief executive power that shall fix upon him full executive responsibility.

I am confirmed in this opinion by the established and nearly unbroken practice in the national government for more than a century, by the full recognition of this principle in modern municipal government, by its adoption in the executive system of other states, and by its endorsement alike by the student of government and by those who have had practical experience in its administration. The constitution of the United States, vesting in the pres-

ident the executive power, gives to him the power of appointment "by and with the advice and consent" of the senate, and is silent as to the power of removal. The same phrase and the same silence are found in the constitution of our Commonwealth. The first congress, in establishing executive departments, expressly conferred the power of removal upon the president. In the debate upon that question, Madison, one of the framers and expounders of the national constitution, declared its purpose as follows: "It is evidently the intention of the constitution that the first magistrate should be responsible for the executive department. So far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to his country." The act conferring this power was carried in the senate by the casting vote of vice president Adams, who gave at length his reasons for his vote. Speaking of these, his grandson, Charles Francis Adams, writes: "These reasons were not committed to paper, and can, therefore, never be known; but in their soundness it is certain that he never had the shadow of a doubt. His decision settled the question of the constitutional power in favor of the president, and consequently established the practice for the country which has continued down to this day." He adds: "All have agreed that no single act of the first congress has been attended with more important effects upon the working of every part of the government."

The policy thus established remained unchanged down to 1867, and gave to the president unlimited power, directly or indirectly, to remove all subordinate officers, now numbering more than one hundred and twenty thousand. In that year, owing to a conflict between the president and congress, an attempt was made to restrict his power by the passage of an act of doubtful constitutionality, requiring the consent of the senate to removals from office. That act was greatly modified during the next administration, and was finally repealed in 1887, after it had long ceased to have any active operation. I do not believe that the people would now permit the hands of their president to be tied, and executive responsibility to be divided and lost between him and the senate.

The same principle has been successfully applied to municipal government, and is strongly endorsed by munic-

ipal administrators. I have already quoted the well-known views of ex-mayor Low of Brooklyn to this effect. Equally emphatic is the opinion of ex-mayor Hart of Boston, who says, in a recent publication: "It is not certain that the mayor should have absolute power of appointing his subordinates or any other public officers. The power of removal should be vested in the mayor." An able commission appointed in Pennsylvania in 1878 to devise a plan for city government, reporting in favor of this principle, said: "It is self-evident that the affairs of government cannot be well conducted unless there is an executive head upon whom responsibility therefor is imposed. It is equally clear that such responsibility cannot be exacted without the grant of corresponding power. . . . It may be said that it is dangerous to clothe him with so much authority. The answer is that such power must be lodged somewhere if good government is to be attained, and wherever placed it is essentially executive in its nature. The mayor is the chief executive of the city, and therefore he is the proper officer to exercise it. Without it there can be no efficiency in the performance of his duties."

In the great cities of the country this principle has been fully established as essential for a responsible and efficient system of government. Its soundness has been repeatedly recognized by the legislature in this Commonwealth in its later treatment of municipal charters, notably in the case of the city of Boston. The principle thus accepted as proper in the executive government of nation and city, prevails in the executive departments of many of our sister states, which vest the removing power in the governor alone. If undivided responsibility is essential for proper government in nation, city and other states, why is it not wise to place such responsibility also upon the governor of our Commonwealth? If the principle is sound, it obviously applies to all executive power. I believe that it has been thoroughly tested, and has proved to be sound; and that it best secures what Mr. Webster felicitously called "The people's government, made for the people, made by the people, and answerable to the people." Three hundred or more subordinate public officers, now under divided control or none, would thus be made directly responsible to the chief executive, and he by the constitution is directly and immediately responsible to the sovereign people. These administrative officers, with few

exceptions, exercise their jurisdiction over the whole Commonwealth. They should be responsible to a representative of the whole Commonwealth, and not to a body each of whose members represents, and is responsible to, only a local constituency. I therefore earnestly commend to your favorable consideration such legislation as will give the power to remove all these administrative officers for cause stated to the governor, leaving to the council the power of confirmation of his appointments.

In making this recommendation my criticism is of a system and not of officials. I recognize the ability and fidelity which our public servants, with few exceptions, have given to their Commonwealth. Especially do I appreciate the unselfish, patriotic labor freely given her by noble men and women in her great work of education, charity and reform, and for the health, safety and prosperity of her people. This recommendation is without personal or selfish motive, and simply in the interest of efficient and responsible government. The record of my administration is proof of this fact. Of the few executive officers wholly under the control of the governor, not one has been removed during my year of service except the gypsy moth commissioners, and they for admitted cause. Of the many others whose terms have expired, a very large majority, though not of my political faith, have been reappointed. It is far easier and more agreeable for a public officer to have less rather than greater responsibility; and the exercise of power over offices is the most irksome part of executive duty. Such power, I repeat, "makes any man conservative; its selfish use for patronage only is fortunately sure to be both disagreeable and destructive." I am confident that you will receive this recommendation in the spirit in which it is offered, and, seeking only the public good, will give to it your careful consideration.

EXECUTIVE BOARDS AND OFFICES.

Again I call the attention of the legislature to the subject of executive boards and offices, in the firm belief that some steps can be taken tending to simplify and systematize executive work. In its consideration you will have before you the report of the special committee of the last legislature, which has made an investigation of the matter

during the recess. Apparently in the past some boards and offices have been created to meet an exigency of the moment, without due thought of their proper relation to existing administrative machinery, or to the question whether or not it could do the new work; and there never has been, I believe, a comprehensive consideration of this machinery as a whole, with a view to reduce it to a system, with proper dependence, responsibility and harmony between its separate parts. I do not believe that the mere consolidation of boards and offices, having distinct fields of work without necessary dependence on each other, is any gain. This was tried without success with the boards of health, and of lunacy and charity. But greater efficiency and economy can be had by the abolition of some unnecessary offices, where the transfer of their duties can be made to some other authority as well or better fitted to do the work. Without attempting to cover the field or to outline an administrative system, I call to your attention some instances where such changes, in my judgment, can properly be made.

Board of Agriculture. — The state board of agriculture is one of the oldest of our boards, and represents an industry most important to our people and our Commonwealth. Its membership consists almost wholly of practical men, thoroughly conversant and in touch with that great industry. With their knowledge, experience and personal interest in agriculture, they are especially well fitted to deal with all matters and laws relating to it, and to act for the Commonwealth where she touches agricultural interests. Yet from time to time there have been created for such work separate and distinct administrative commissions and boards, such as the cattle commission, the gypsy moth commission, and the board of control of the agricultural experiment station. Last year your predecessors abolished the gypsy moth commission, and transferred its powers, duties and appropriation to the board of agriculture, to the great gain of agriculture and of the Commonwealth. They also created out of the board a dairy bureau for the enforcement of the law to protect dairy products, instead of making a distinct commission. Both of those steps were in the right direction, and tended to concentrate executive work in the proper and most competent hands, instead of dividing it among independent, unnecessary and expensive commissions. I believe, as

further steps, that the duties of the cattle commission should be transferred to the board of agriculture, and the commission abolished ; and that the board should also have charge of the agricultural experiment station. With these enlarged executive duties given to it, there should be added to the board necessary specialists for its various departments, and the board itself should be organized into properly paid bureaus for executive work. Among its departments there might well be included one on roads, bridges and drainage, having attached to it a competent engineer. These subjects are of great importance, and affect seriously the health, comfort and convenience of all our people. The travel upon our highways, especially for long distances between centres of population, has much increased. The need of improving these highways, and of more uniform and systematic methods in their construction and maintenance, is apparent. Without infringing on any local right or power, such a department could gather and distribute valuable information on this subject, and give experienced advisory assistance on road construction and maintenance. I believe that this would lead to a more comprehensive and scientific treatment of all our highways, and to greater economy and improvement than by unaided local effort. This subject has been called to the attention of the legislature by several of my predecessors. I commend it to your careful consideration.

I urge this transfer and grant of executive duties to the board of agriculture for the purpose of placing in one responsible and thoroughly representative board all the executive work of the Commonwealth relating to agriculture, and of giving to the farmers themselves the enforcement of all laws in which agriculture is especially interested. The board will then be, as it ought to be, one of the strongest and most important in the Commonwealth.

State Board of Police for Boston. — This board was created in 1885, against strenuous opposition, for the purpose of taking from the city of Boston the control of her police force, and of vesting it in a state board, which was also given the licensing power. Since then the people of Boston have had no power whatever over their police, or over the enforcement within her limits of the laws of the state, or of the municipal ordinances enacted for their safety and benefit. If in their opinion constant and repeated violations of law are permitted, to their injury ;

if municipal ordinances are not enforced, resulting in detriment to the public health or to the public convenience; if notorious and illegal resorts are allowed to exist, to the scandal and disgrace of the city; or if the control of the police and of the saloons is abused for political purposes, — the citizens of Boston have no power to correct these evils, but must patiently submit to them, while they are taxed for the whole expense of such enforcement of law. Boston is the only community within the Commonwealth which has thus been deprived of the right to govern herself. The declared reason for such legislation was mistrust of her citizens. I do not share that sentiment. On the contrary, I have not only a firm belief in their right to govern themselves, but full confidence in their capacity and ability to do so. The jurisdiction of this state board over both licenses and police is a union of two distinct powers, which, in my judgment, it is not for the public interest to have united in any one board. The power of granting or revoking licenses is judicial in its character; the other is purely executive. The first should be vested in a board of such appointment and tenure as to be judicial in its action; the other in a board responsible to the community over which it exercises executive control. I earnestly recommend a separation of these powers; that the control of her police be restored to the city of Boston; and that you then consider whether the control of licenses should be left in the present board, or placed in another board of such character, appointment and tenure that it will be above all political, personal or selfish influences, and will command the confidence of the people.

Superintendent of Prisons. — This office, created in 1887 and involving an expense of sixty-five hundred dollars a year, has few and very limited duties, all of which can be and should be performed by the various boards in charge of our penal institutions, or by the heads of such institutions under the direction of such boards. It is independent of the board of prison commissioners and its work, and seems to be out of gear with any existing administrative machinery. Unless you are prepared to follow the plan adopted in New York, which gives to a superintendent of prisons, in place of other boards, practically full charge of the whole prison system, and makes him, and so the administration of the system, responsible to the governor, I believe the office is not necessary or

useful. For these and other reasons, more fully stated in a special message to the legislature, March 23, 1891, I recommend that it be abolished.

Topographical Survey Commission.—This commission reports that it is now engaged in surveying and delineating the town boundaries of the Commonwealth, and that it will require at least ten years more for the work, of which about one third is completed. In its opinion this work can best be done under the management of the board of harbor and land commissioners. It recommends such transfer, which recommendation I submit for your favorable action.

Board of Supervisors of Statistics.—This board, consisting of state officials, was created in 1877, to have general supervision and control of all matters relating to statistics. It is required to "meet regularly at the state house at least once in each month." I am informed that it has met but once since its creation, and has done nothing. It is responsible to no one. It seems to be useful only as a good illustration of the continued existence of unnecessary boards, and of the need of a thorough overhauling of our administrative machinery.

Building Commissions.—The custom has prevailed in the past, when any important state building was to be erected, of creating a salaried commission, usually of three members, to have charge of the work. These commissions have then employed architects, engineers, superintendents, clerks, or such other assistants as seemed necessary. While this work has been done in some instances with unquestioned fidelity and success, in others there have been delay, unnecessary expense and great criticism, and in one instance the commission itself was finally legislated out of office. I do not believe this method of construction is the most economical or expeditious, or that the creation of these commissions, with rare exceptions, is necessary. If a building is to be erected for an institution already existing, I believe that the board in control of that institution should have general supervision of the work, having under them a proper person to superintend the construction. If the building is for a new institution, the board which is to manage it should be created at once, and should be given the charge of the work. The advantage of this would be greater expedition, less expense, more care and better results in build-

ing, and a better institution when in operation, because of the experience and knowledge acquired by the board in its erection. This was the plan adopted in building the hospital provided for in chapter 412 of the acts of 1889, — a precedent which I recommend be followed in the future. If the building is not or is not to be in charge of any board, then its erection might be under the direction of the governor and council, or other proper officials having under them some one to superintend the work. If this plan, suggested for future building, meets with your approval, it may be wise and necessary to create a state officer, to superintend the details of the construction of state buildings, under the control of the respective boards in charge of the work.

The entire absence of responsibility or system in our executive work; the instances suggested of needed change or abolition of offices, and others which may occur to you; the advantage of grouping under proper departments our executive boards and commissions; the expediency of devising some better way of bringing the needs and the information of the executive departments to the attention of the legislature; and the necessity of reducing to a proper system and control our present cumbersome executive machinery, — all these reasons will, I trust, lead you to make a comprehensive and thorough examination of this branch of our government.

Two other matters connected with executive work deserve your attention.

CLERICAL ASSISTANCE.

Over one hundred thousand dollars are spent each year by executive departments for clerical assistance, under appropriations which give to the head of the department a gross sum to be divided and distributed for this purpose as he deems necessary. For one department sixteen thousand dollars are so appropriated. The head of that department can hire sixteen clerks for one thousand dollars apiece, or one clerk for sixteen thousand dollars if he wishes. The civil service commissioners have earnestly requested a change in this system, in which request I concur. In my judgment the clerical force of the departments should be established by law upon a permanent basis, with fixed salaries, and with a small contingent

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appropriation allowed to the head of the department for such temporary and additional clerical service as may be needed in an emergency.

DEFICIENCY IN APPROPRIATIONS.

Each year in some departments contingent liabilities are incurred beyond their appropriations, which are paid later out of a deficiency appropriation. It is then practically impossible to question the expenditure. While such liabilities are no doubt for necessary and unforeseen expenses, still, as the law absolutely forbids any public officer to make any purchase or incur any liability beyond the amount appropriated, in my judgment, when a department finds its appropriation exhausted, and yet there is necessity for further expenditure, it ought, before incurring any expense, to get the sanction of some other proper authority. I suggest that in the contingency stated the department should be required to report the facts to the governor and council, and to receive their assent before incurring any further expense.

THE SUFFRAGE.

It is a pleasure on this occasion to congratulate you upon the ratification and adoption by the people, with great unanimity, of the constitutional amendment submitted to them by your predecessors, abolishing the tax qualification for voting. After a struggle of more than a century, untaxed suffrage in the election of state and national officers has thus been established in our Commonwealth. This amendment may require to some limited extent changes in the law of registration. These should be in the lines of our established policy, without essential modifications. While they should seek to protect the franchise, they should not render its exercise any more onerous and difficult than is necessary for its security. As the abuse of the franchise should always be discouraged and severely punished, so its exercise should be encouraged and made as little burdensome as possible, that we may avoid the evils which a failure to vote by large numbers of our fellow citizens seems at times to threaten.

At present there is a difference in the qualification of voters in state and national elections, and in town and city elections. The tax qualification for the former has

been abolished by the recent amendment; it still remains on the latter by statute law. Of course this difference should not continue to exist. As the people have, by an overwhelming majority, abolished the tax qualification so far as it was directly in their power, and as in the past suffrage has been uniform for all elections, with the single exception of a limited franchise for women, it is now necessary that this tax qualification should be abolished also in town and city elections.

ELECTION AND BALLOT LAWS.

I again recommend the passage of a comprehensive and stringent law to secure the publication of election expenses, and, if practicable, to limit their amount and define their proper objects; and I again urge, and now as a matter of pressing importance, an amendment of the ballot law, so that a single mark may constitute a vote for all the presidential electors of a political party. At present, to give full effect to a vote for president, the voter must mark separately the names of fifteen electors. As these electors are only the constitutional machinery for electing a president, with a single perfunctory duty to perform, and this already determined, and as the voter is not supposed to have any individual preference between them, there seems to be no sense in requiring the separate marking of each name. The danger is, that, with the present extent of partial voting, many voters, through carelessness or mistake, will not mark the full list of electors. In a close election this would almost certainly lead to an unintentional division of the electoral vote of the state.

OTHER RECOMMENDATIONS.

The following recommendations, submitted to the last legislature in my inaugural, or later messages, and based upon reasons therein fully set forth, I submit to your favorable consideration:—

First. Further legislation, of a stringent and radical character, to remedy the evils of the lobby and to limit its influence.

Second. The passage of general laws, upon the lines already suggested by me, to relieve the legislature and the public of the burden of constantly increasing special legislation.

Third. Extension of the powers of cities and towns and of local self-government, especially in matters of taxation, control and sale of franchises, and extending the limits of municipal work and of municipal ownership.

Fourth. The passage of a general municipal law for the incorporation and government of cities, with the limitations heretofore suggested. This subject has been investigated by a special committee of the last legislature, who will report to you the results of its investigation.

Fifth. Legislation to prevent railroad corporations from giving free passes to members of the legislature, or to other officials before whom come matters in which these corporations are interested.

Sixth. A thorough reform in our system of land transfer and registration, upon the plan of the Australian or Torrens system, so-called, to bring about greater freedom, security and cheapness in the transfer of real estate. You will have, in considering this subject, the benefit of the investigation made by a special committee of the last legislature.

Seventh. Further consideration of legislation asked for in the interest of labor, especially the reduction of the hours of labor of women and children employed in factories and workshops; amendment of the employer's liability act, to broaden its scope and make it more efficient and beneficent in its results; and further action for the proper protection of railroad employees against the dangers to which they are exposed. The appalling fact that in the United States, during the year ending June 30, 1890, 369 employees were killed in coupling or uncoupling cars, and 7,841 were injured, makes legislation for the adoption of safety appliances which will prevent such accidents imperative. National legislation is necessary as the only effective remedy. I recommend that, following the precedent of the legislature of last year, you petition congress to take action, and that you use every means possible to hasten a remedy.

I call your attention to the fact that chapter 125 of the acts of 1891, entitled "An Act to prohibit the imposition of fines or deductions of wages of employees engaged at weaving," has been declared by the supreme judicial court to be unconstitutional. I submit for your consideration whether a proper measure, not open to constitutional objection, cannot be adopted to accomplish the purpose sought by this act.

I congratulate you upon the success so far attained by the important and popular agitation against the conditions of labor and of health in tenement houses, especially against the so-called sweating system, and upon the earnest efforts which have been made by the Commonwealth and individuals to improve these conditions, to elevate this labor, to relieve this distress, and to protect the health and welfare of the public. It was my privilege to call the attention of the legislature last year by special message to this subject. An act was then passed to regulate the use of tenements as workshops, and providing for the appointment of two additional state inspectors on the district police force. I am informed by the chief of this force that through their efforts many of the evils have been stopped, and the use of tenements as workshops largely abandoned. Much still remains to be done. I urge your earnest co-operation in all efforts in this direction, which cannot but be a benefit to the Commonwealth.

Eighth. Again I recommend to the favorable consideration of the legislature the adoption of industrial education and manual training as part of the system of instruction in our public schools, at least in some communities. This subject is now under thorough investigation by an able and experienced commission, which will later report to you. I believe that such instruction is useful and successful educationally, and of great practical benefit to the people; that it would increase and lengthen the attendance at our public schools, and would raise the maximum age for compulsory attendance, as provided in chapter 361 of the acts of 1891, and make it proper to limit still further the employment of children in manufacturing and other establishments.

A year ago I called the attention of the legislature to the great inequality in public education in different places, and to the marked difference in the character and efficiency of their schools, in the amount spent upon them for each pupil, and in the burden of taxation for such expenditure; and I asked your predecessors to consider whether the state, having wisely done so much for the education of her children, as of vital consequence to her safety and prosperity, could not properly go further and strive for the equal education of all to a certain standard; and whether such equalization could not justly be based upon the fact that the interest of every locality in public

GOVERNOR'S ADDRESS.

education is not and ought not to be limited to the education of its own children. Something was done in this direction by chapter 177 of the acts of 1891, which provided for a new distribution of the school fund, for the benefit of the poorer and more heavily taxed towns. I commend the subject to your careful consideration. With most gratifying unanimity the people of the Commonwealth have shown their devotion and loyalty to our public schools. Let us in the same spirit earnestly seek to promote their interests, to maintain them in their full vigor, and to extend their great field of usefulness. Let us keep out of them any spirit of intolerance, which cannot but work them harm. Above all, let us not seek to divide our people politically over this great and cherished institution, when they are and ought to be one in word and thought and act in their devotion to it.

THE WORLD'S COLUMBIAN EXPOSITION.

Last year the legislature appropriated \$75,000 for a proper exhibit at the world's Columbian exposition of the resources, products and general development of the Commonwealth, and provided for the appointment of a board of five managers to have charge of this work. This board has since been appointed and organized, and has begun its duties with commendable energy. In its opinion, and in the opinion of others familiar with the matter, the appropriation is not sufficient for such an exhibit as the Commonwealth ought to make, nor does it compare favorably with the appropriations of other states. I recommend that the appropriation be increased. I believe that all our people are determined that this exposition shall be an unqualified success, and are willing to do their full share to this end. It certainly is most important, more important than the question of expense, that Massachusetts should make such an exhibit of her products and resources, of her history and institutions, as will give her there the proud preëminence which she holds throughout the Union.

RAPID TRANSIT.

The legislature of 1891 created a commission to investigate the important problem of rapid transit for Boston and vicinity, and to consider the many questions connected

with this subject. The results of its thorough investigation will be reported to you, and will demand your most careful consideration.

Senators and representatives:— We now begin our respective duties in the government of the Commonwealth. While realizing our responsibility, let us rise to our opportunity. The oath we have taken subordinates all fealty to party to fidelity to the state, and subjects every personal and class interest to the public good. Steadfast to principle, true to conviction, however variant our opinions, let us in all measures be careful and candid in consideration, tolerant, cautious and conservative in action, that in all our legislation we may realize the aphorism of Lord Bacon, that “it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation.” A sense of responsibility to the people, an earnest desire to serve their interests and to merit and receive their confidence, will bring to the discharge of our duties the courage, fidelity and unselfish purpose which make useful, honorable public servants. Let our only strife be how best to advance the interests of our Commonwealth, and to promote the prosperity and happiness of all her people. As loyally we cling to her, the blessed mother, and lovingly as her children take up her work, “with us as with our fathers, may God be;” and may He enable us to transmit our goodly heritage, enriched by faithful stewardship.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the senate and house of representatives, Jan. 11, 1892.]

I have the honor to present herewith, in compliance with chapter 50 of the resolves of 1860, a report of the pardons issued by the governor, with the advice of the executive council, during the year of my administration just closed. The number of prisoners thus released is thirty, of whom thirteen were in houses of correction, eight in the state prison, six in the Massachusetts reformatory, two in the reformatory prison for women, and one in the house of industry. Serious sickness was the controlling reason for the release of ten, seven of whom have died.

WM. E. RUSSELL.

No. 1. MICHAEL CONNORS. Convicted in the superior court of Middlesex county, Oct. 27, 1890, of larceny in a building. Sentenced to house of correction for one year. Pardoned Jan. 21, 1891, upon the recommendation of the prison physician. Connors was in the last stages of quick consumption. He was pardoned that he might be allowed to die among his friends. His death occurred February 19.

No. 2. JAMES ASH. Convicted in the central district court of Worcester, July 19, 1890, of violating license law and city ordinance. Sentenced to three months in the house of correction, and to pay a fine of \$220 and costs. Pardoned Feb. 19, 1891, upon the recommendation of the justice who imposed the sentence, the clerk of the district court, police inspector O'Day and the officers of the asso-

ciated charities of Worcester. The prisoner had served his term of imprisonment and four months in addition in default of payment of fines. His family, consisting of a wife and six children, were entirely destitute, depending upon the charity of the citizens of Worcester.

No. 3. NEIL A. DEVER. Convicted in the municipal court, Roxbury district, Nov. 8, 1890, of being a common drunkard. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 26, 1891. Dever's conduct in the reformatory had been perfect. He was pardoned that he might be present at the deathbed of his mother, who was fatally ill with an incurable disease.

No. 4. JOHN CARTER. Convicted in the municipal court, South Boston district, Jan. 31, 1891, of being idle and disorderly. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 12, 1891, upon the recommendation of the prison commissioners. It was shown that he was sentenced under a misapprehension; that at no time was he idle and disorderly, but a well-disposed and industrious boy. Friends stood ready to give him immediate employment.

No. 5. HENRY F. RAMSDELL. Convicted in the superior court of Suffolk county, October, 1890, of assault to commit rape. Sentenced to house of correction for one year. Pardoned April 8, 1891, upon the recommendation of judge Hutchinson, who tried the case in the lower court, mayor Bosson, ex-mayor Champlin, and many others of the leading citizens of Chelsea. It was shown at the hearing that Ramsdell up to the time of his arrest had been a quiet, inoffensive man, and that this was the first time that he had ever been arrested. The committee were satisfied that Ramsdell and the woman went to his place of business by mutual agreement; the district attorney was of the opinion that this statement was true, and that the woman changed her mind after she had obtained all the whiskey she wanted, and that no crime was committed.

Nos. 6 and 7. CHARLES WYMAN and GEORGE GREEN. Convicted in the first eastern district court of Middlesex county, July 29, 1890, of attempting to commit larceny. Sentenced to the Massachusetts reformatory on an inde-

terminate sentence. Pardoned April 23, 1891, upon the recommendation of the prison commissioners. The crime consisted in opening the door of a freight car and attempting to ride from Lowell to Boston to witness the parade of the G. A. R. Had all the facts in the case been known at the time of the trial, the justice would not have sentenced them. The boys did not give their right names, and the justice was unable to communicate with their parents. They had never before been arrested. The committee were satisfied that it was simply a boyish freak to secure a free ride to Boston.

No. 8. MICHAEL FITZGERALD. Sentenced December, 1888, by the superior court of Suffolk county, for robbery, to five years in the state prison. Pardoned May 30, 1891, as he was in an advanced stage of pulmonary consumption, with no prospect of recovery.

No. 9. DUNCAN MCGILVERY. Sentenced October, 1889, by the superior court of Suffolk county, for robbery, to five years in the state prison. Pardoned May 1, 1891. The prisoner was in the last stages of pulmonary consumption, and likely to die at any moment. He died soon after his release.

No. 10. MARY E. MULLARE. Convicted in the municipal court, Dorchester district, Sept. 23, 1890, of being a common drunkard. Sentenced to two years in the reformatory prison for women. Pardoned May 13, 1891. The pardon committee were satisfied that the prisoner had reformed, and would hereafter lead a sober life. She had two young children who needed her care, and there seemed to be no question but that the prisoner and her family would be benefited by her release.

No. 11. JOHN E. CRAIG. Convicted in the superior court of Plymouth county, May 14, 1891, of larceny. Sentenced to two years in the house of correction. Pardoned June 11, 1891. Craig was suffering from acute tuberculosis of a very rapid character, and the prison physician was of the opinion that he could live but a few weeks. He died in July.

No. 12. MARY A. DONOVAN. Convicted in the municipal court, Charlestown district, Feb. 26, 1891, of being a common drunkard. Sentenced to one year in the reformatory prison for women. Pardoned July 1, 1891, upon the recommendation of the prison commissioners. Mrs. Donovan was the mother of six children, under twelve years of age, who needed her care. Her husband, who caused her arrest, urged that she should be pardoned, believing that hereafter she would refrain from the use of intoxicants.

No. 13. THOMAS LALLY, *alias* GEORGE NOLAN. Sentenced May 21, 1888, by the superior court of Worcester county, for breaking and entering, to nine years in the state prison. Pardoned July 18, 1891, upon the recommendation of the warden and prison physician. The prisoner was in an advanced stage of consumption, with no prospect of recovery. He died in August.

No. 14. GEORGE WILLIAMS, *alias* WILSON. Convicted in the superior court of Suffolk county, March, 1890, of breaking and entering. Sentenced to the house of correction for two years. Pardoned July 23, 1891. This prisoner had been under treatment in the prison hospital since Oct. 14, 1890. He was suffering from pulmonary consumption, and was steadily growing worse. There was no likelihood that he would recover. He died October 25.

No. 15. ABRAHAM MARZYNSKI. Convicted in the superior court of Suffolk county, January, 1890, of larceny. Sentenced to house of correction for two years. Pardoned Sept. 1, 1891. It appeared that the prisoner's father died about two weeks before his release, leaving a large family, who needed the assistance of the prisoner. As less than two months of the term of the sentence remained to be served, the ends of justice seemed to have been substantially met.

No. 16. JOHN McDONALD. Convicted in the superior court of Berkshire county, Jan. 30, 1891, of indecent assault. Sentenced to the house of correction for one year. Pardoned Sept. 8, 1891, upon the recommendation of the sheriff, probation officer, and many of the prominent citizens of Pittsfield, on the ground that there

were grave doubts as to the guilt of the prisoner. The prisoner had always borne a good reputation, and had been a sober, industrious and law-abiding citizen, and never before had been convicted of any offence. He had been a trusted employee of the Pontoosuc Woollen Company for the past twenty years as night watchman, and his employers, who believed him innocent, were ready to give him steady employment when released.

No. 17. M. L. WOODWARD. Convicted in the Charlestown district court, June 30, 1891, of conveying mortgaged property and violating the milk statute. Sentenced to pay a fine of \$275. Pardoned Sept. 8, 1891. It appeared that Woodward's crime consisted in exchanging a mortgaged horse for another, and in selling adulterated milk. In the matter of the mortgage it appeared that the prisoner had turned over to the mortgagees the horse then in his possession, and there seemed to be no attempt on his part to defraud his creditors. His wife was in a delicate condition, and without means of support. As the prisoner was utterly unable to pay his fine, a pardon was granted for the above reasons.

No 18. WILLIAM CHOINIER, *alias* SWEENEY. Convicted in the superior court of Franklin county, Nov. 13, 1890, of fighting. Sentenced to fifteen months in the house of correction. Pardoned Sept. 23, 1891, upon the recommendation of the district attorney, on the ground "that he had been sufficiently punished, and the public good would not suffer by his release."

No. 19. HENRY L. DUDLEY. Convicted in the superior court of Worcester county, June 2, 1891, of violating license law. Sentenced to house of correction for six months, and to pay a fine of \$100 and costs. Pardoned Sept. 25, 1891, upon the recommendation of the selectmen and many of the best citizens of Douglas, who believed that Dudley would hereafter lead an upright life and become a good citizen. The fine had been paid, and only a little more than two months of the sentence remained.

No. 20. ELDRIDGE WIXON. Convicted in the first district court of Barnstable county, May 20, 1891, of

cruelty to an animal. Sentenced to the house of correction for six months. Pardoned Sept. 30, 1891. The prisoner was in the last stages of consumption, and needed the care and attention which could not be given him while in confinement.

No. 21. **JOHN W. JOHNSON.** Convicted of felonious assault, superior court, Essex county, May 21, 1889. Sentenced to state prison for seven years. Pardoned Oct. 7, 1891. Since the prisoner's trial facts have come to light seriously affecting the credibility of the witness upon whose testimony Johnson was convicted, consequently there were grave doubts regarding his guilt. He was a brave soldier during the war, rising to the rank of captain, and had always borne a good reputation. The pardon was recommended by the selectmen, town clerk, treasurer, police officials and many other leading citizens of Methuen, where the crime was claimed to have been committed.

No. 22. **THOMAS J. SHEA.** Convicted of stubbornness, municipal court, Charlestown, June 13, 1891. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 4, 1891, upon the recommendation of the commissioners of prisons. The boy was complained of by his father, who is now satisfied that he was too hasty in the matter. The boy would not work, and the father took this means to punish him. The committee were convinced that the punishment he had already undergone was ample for the offence committed.

No. 23. **THOMAS H. McMULLEN.** Convicted of murder, second degree, supreme judicial court, Bristol county, April 26, 1882. Sentenced to state prison for life. Pardoned Nov. 26, 1891, as an act of executive clemency for thanksgiving day. The pardon was recommended by hon. John S. Brayton, judge Braley and many of the leading citizens of Fall River, where the crime was committed. It was the universal wish of that community that he should be pardoned, as it was their belief that the crime was not premeditated. McMullen found his wife in her bedroom with a man whom he had driven from his house in the morning. He again drove the man from the house. Before he had time even to

reproach his wife, she struck him with a broomstick. From the effects of the struggle that followed she died. His conduct while in prison has been excellent.

No. 24. CHARLES A. BRIGGS. Convicted of murder, second degree, supreme judicial court, Hampshire county, Dec. 6, 1881. Sentenced to state prison for life. Pardoned Nov. 26, 1891, as an act of executive clemency for thanksgiving day. Briggs had never violated a single rule of the prison. His deportment had been perfect during the ten years of his imprisonment. There was every reason to believe that he would become a good citizen and a worthy member of society. The pardon was recommended by warden Lovering and ex-wardens Usher and Russell.

No. 25. WILLIAM T. TAYLOR. Convicted of larceny, third district court, Bristol county, July 3, 1891. Sentenced to nine months in house of correction. Pardoned Dec. 2, 1891, on the recommendation of the justice who imposed the sentence, the probation officer and the county commissioners. Taylor had never before been arrested, and his former employers were anxious to give him immediate employment.

No. 26. WILLIAM J. KELLEY. Convicted of breaking and entering, superior court, Suffolk county, February term, 1891. Sentenced to eighteen months in house of correction. Pardoned Dec. 2, 1891. Kelley had served more than half his sentence. Considering the age of the prisoner (sixteen years), the pardon committee believed that a pardon would tend to encourage him to lead an upright life. The district attorney concurred in the recommendation.

No. 27. JAMES LEONARD. Convicted of abortion, superior court, Bristol county, Dec. 1, 1890. Sentenced to state prison for three years, and to pay a fine of five hundred dollars. Pardoned Dec. 16, 1891. Leonard had been in the prison hospital nearly a year, suffering from asthma and bronchitis, and was in a debilitated and dangerous condition; and, in the opinion of the prison physician, if compelled to remain in prison, his death would ensue in a very short time. He died Jan. 9, 1892.

No. 28. FRANK DOYLE. Convicted of being a vagrant, first district court, eastern Middlesex, July 28, 1891. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 16, 1891. The pardon committee were satisfied that the prisoner was not a vagrant, and that, if all the facts had been known to the justice at the time of his trial, he would have received a much lighter sentence.

No. 29. JOHN J. CROWLEY. Convicted of assault, superior court, Suffolk county, June term, 1890. Sentenced to the house of correction for two years. Pardoned Dec. 17, 1891. Crowley was suffering from pulmonary consumption, which was gradually progressing. The district attorney recommended that he be released, that he might die at home.

No. 30. FRANK SMITH, *alias* MULLEN. Convicted of attempting to break and enter, superior court, Suffolk county, December term, 1890. Sentenced to state prison for five years. Pardoned Jan. 6, 1892. The prisoner had been ill for several months with chronic inflammation of the throat, of a tuberculous nature, with no hope of recovery.

[To the honorable senate and house of representatives, Jan. 11, 1892.]

I transmit to you herewith for your information and use, the accompanying documents, viz. :—

Seventh annual report of the board of police for the city of Boston.

Third annual report of the state house construction commissioners.

First report of the rapid transit commission.

[To the honorable senate and house of representatives, Jan. 18, 1892.]

I have the honor to transmit to you herewith a request of the United States fish commission for "the enactment of a law placing the waters of Squam pond (a great pond within the limits of this Commonwealth), under the control of the United States fish commission" for the purpose stated in its letter of Jan. 6, 1892, herewith submitted with enclosures.

This request I have already referred to the commissioners of inland fisheries and game of this Commonwealth.

SPECIAL MESSAGES.

Their opinion in writing, dated Jan. 11, 1892, in favor of granting the privilege asked, is herewith submitted to you.

[To the honorable senate and house of representatives, Jan. 21, 1892.]

I transmit to you herewith, for your information and use, the report for 1891 of the topographical survey commission.

[To the honorable senate and house of representatives, Jan. 26, 1892.]

It is my painful duty to announce to the legislature the death of hon. Charles F. Loring of Melrose, a member elect of the executive council from the sixth district, at his home, after a long and painful illness, on the morning of January 26.

In his death the Commonwealth loses a faithful citizen who was greatly respected and loved, and who I am confident would have rendered her most useful and honorable service in the high office to which he had been chosen.

[To the honorable senate and house of representatives, Feb. 1, 1892.]

I herewith submit for your consideration a report made to me by an able committee of experts of the Massachusetts Medical Society, submitting in detail the reasons which, in their judgment, make it necessary for the Commonwealth to provide for the establishment of an institution for epileptics, — such institution to be in the form of cottage hospitals. This committee has been given full power to act in this matter for said society, and their recommendation, I believe, meets its approval.

I have referred it to the state board of lunacy and charity, with a request for their opinion upon it. I herewith submit their opinion in writing indorsing the recommendation.

In my judgment, the facts and reasons stated in this communication entitle the recommendation to your early and favorable action. I specially commend the suggestion that the institution, if established, should be in the form of cottage hospitals.

[To the honorable senate and house of representatives, Feb. 8, 1892.]

I inclose herewith for your consideration, a communication just received from representatives in congress of Massachusetts, calling my attention to a bill which has been introduced in the house of representatives "To regulate the fisheries and for other purposes." A copy of the

bill is herewith also submitted. The purpose and effect of the bill I am informed and believe is to nullify the laws of Massachusetts now in force for the protection of our fisheries, and to reverse what has become the established policy of this Commonwealth on this subject.

The bill has been referred to the committee on merchant marine and fisheries of the United States house of representatives, and a hearing has been fixed by that committee for February 17. In my judgment, the matter is of such importance to this Commonwealth and so seriously affects one of her great industries that it demands your immediate consideration and action.

[To the honorable senate and house of representatives, March 18, 1892.]

I transmit herewith, for your information and action, a special report made by the commissioners of prisons concerning the disposal of sewage from the reformatory prison for women at Sherborn and the expense of maintaining and operating a system of sewage disposal as authorized by chapter 211 of the acts of 1890, with their request for an appropriation to cover the same.

[To the honorable senate and house of representatives, April 1, 1892.]

I transmit herewith for your consideration and action, a letter from the governor of New Jersey requesting this Commonwealth to take part in the erection of a national monument at Trenton, N. J., commemorative of the battle fought there during the revolution. A large proportion of the troops in said battle were soldiers of Massachusetts. Amongst them was a regiment from Marblehead, under the command of colonel John Glover, which particularly distinguished itself in that battle, and in the crossing of the Delaware on the night before the battle.

It is suggested and requested that this Commonwealth make an appropriation to erect for said monument a bronze statue of a soldier of colonel Glover's regiment to commemorate the distinguished services so rendered by the soldiers of Massachusetts.

I also enclose a draft of a resolution submitted to me by a committee of the Trenton Battle Monument Association, which resolution states in detail the regiments and officers from Massachusetts in said battle; and a letter from a member of said committee.

I commend this request from the state of New Jersey to your favorable consideration.

SPECIAL MESSAGES.

[To the honorable senate and house of representatives, April 5, 1892.]

I have the honor to transmit to you herewith for your information and action, the report of "A commission to promote rapid transit for the city of Boston and its suburbs" authorized by chap. 365 of the acts of 1891, together with a letter to me from the chairman of said commission in reference to the report.

[To the honorable house of representatives, April 19, 1892.]

I return to you herewith with my objections the bill entitled "An act to establish the salary of the justice of the police court of Williamstown," which originated in your body.

The legislature has recently created a joint special committee to sit during the recess of the legislature, and to consider whether the salaries of justices and clerks of the police, municipal and district courts of the Commonwealth should be raised, reduced or equalized.

I am informed that there are now pending before the legislature or its committees, numerous applications for an increase of salary of various justices and clerks of these courts. In my judgment, these applications should not now be acted upon, pending an examination of the whole question of salaries in said courts by said committee.

The salary paid in any court must depend to some extent upon the salaries paid in other like courts, and an increase of any one salary may affect the salaries to be paid generally for like service. Under the circumstances the salary of any single judge or clerk I believe should be considered broadly with reference to the salaries in all of said courts, as proposed by the legislature in its appointment of this special committee; and should not be the subject of a special act at the request of the party interested or others in his behalf.

I regret to differ in opinion with the legislature on this matter which is not in itself of great importance; but, with other like applications pending, I believe it important and just that all should be considered in the manner I have suggested, which accords with the prior action of the legislature.

[To the honorable senate and house of representatives, April 19, 1892.]

I transmit to you herewith, a communication this day received from the board of prison commissioners request-

ing an appropriation of \$5,000 for repairing the workshops at the state prison that were damaged by fire yesterday, April 18. As the appropriation is necessary and urgent, I trust this request may receive your early and favorable action.

[To the honorable house of representatives, April 20, 1892.]

I return herewith with my objections a bill entitled "An act to establish the salary of the justice of the fourth district court of eastern Middlesex," which originated in your body.

This bill is open to the same objections which compelled me to return without my approval to your honorable body "An act to establish the salary of the justice of the police court of Williamstown." The legislature having appointed a special committee to consider during the recess salaries to be paid in all the lower courts of the Commonwealth, it seems to me neither necessary nor proper, pending an examination of the whole question by said committee, to increase individual salaries in said courts by special acts.

[To the honorable senate and house of representatives, April 28, 1892.]

I submit herewith a communication received today from the Massachusetts commission of the world's Columbian exposition in reference to the ceremonies to be held in Chicago on Oct. 12, 13 and 14, 1892, in connection with opening said exposition.

It seems to be necessary for you to determine in what way our Commonwealth shall be represented at said ceremonies, and to provide the necessary means therefor.

[To the honorable house of representatives, May 9, 1892.]

I herewith return with my objections a bill entitled "An act to authorize the Connecticut River Railroad Company to increase its capital stock," which originated in your body.

The bill authorizes an increase of \$2,420,000 of said stock, making the total authorized capital \$5,000,000, or about double its present amount. In the absence of any restriction in the bill, this additional stock may and no doubt will be divided at its par value of \$100 among the stockholders of said company in proportion to their holdings. The present market value of the stock of this com-

pany, as fixed by recent sales, is about \$235 a share. So that in effect this bill authorizes the distribution to its stockholders of new stock, nearly equal in amount to the present stock, at less than one half its present market value. The difference between its par and market value will be clear profit to each stockholder, and represents the proportion of new stock not necessary for the purposes of the company, and for which the company itself gets no benefit or return. Less than one half of this proposed increase of stock, if sold at this market value, would yield to the company as much money as the whole increase so distributed to the stockholders. The bill, while in form an authorized increase of capital for the purposes of the company, practically gives the authority and sanction of the Commonwealth to the creation of more than double the amount of new capital, estimated at its market value, required for such purposes, and indirectly to the division of the balance among the stockholders as an enormous dividend.

Speaking in round numbers, the two and one half millions of dollars of proposed new stock at present market value is worth over five and one half millions of dollars. Of this last amount two and one half millions of dollars will go into the treasury of the company, and more than three millions of dollars into the pockets of the stockholders. To enable them to obtain this bonus, nearly one and one half millions of dollars of unnecessary stock is added to the capital, the dividend upon which at ten per cent. places an unnecessary burden of \$150,000 each year upon the business of the railroad, that is, upon the public. Every pound of freight and every passenger carried by this company will contribute to meet this burden. Meanwhile this unnecessary increase of capital adds nothing to the resources of the railroad, to the facilities for its use, or to the compensation of those who make such use practicable.

So far as this bill provides for any necessary increase of the capital stock of this company, I see no objection to it. But if in the mode of the increase and its distribution it creates an unnecessary amount of stock for the sole benefit of its stockholders, but which is to be a perpetual and needless burden upon the public, then I believe it to be my duty, before giving my approval to such a measure, carefully to consider whether the public cannot properly and justly interfere to prevent such burden. In the trust

relation in which this company, under the uniform decisions of all our courts and legislatures, stands to the public, I believe such interference is proper, and that a sound public policy requires its exercise. At least it requires that the Commonwealth shall not actively co-operate in placing the burden upon the public, by grant of the necessary authority.

I recognize and appreciate all the rights of capital and property in our great lines of transportation, and would guard them with most conservative and scrupulous care; and remembering the great public convenience which they serve, would grant them every just demand. But the rights of the public should be guarded as zealously, and asserted as against a personal wish or benefit of the individual.

Our supreme judicial court has clearly defined the trust relation of a railway company to the public. It has declared that "the establishment of such a great thoroughfare is regarded as a public work, established by public authority, intended for the public use and benefit, the use of which is secured to the whole community, and constitutes, therefore, like a canal, turnpike or highway, a public easement.

"The only principle on which the legislature could have authorized the taking of private property for its construction, without the owner's consent, is that it was for the public use. . . . It is true that the real and personal property necessary to the establishment and management of the railroad is vested in the corporation; but it is in trust for the public.

"The company have not the general power of disposal, incident to the absolute right of property; they are obliged to use it in a particular manner and for the accomplishment of a well-defined public object; they are required to render frequent accounts of their management of this property to the agents of the public; and they are bound ultimately to surrender it to the public at a price and upon terms established." (*Worcester vs. Western R.R. Co.*, 4 Met. 566.)

These principles have been repeatedly and uniformly recognized and affirmed by all courts, national and state, and by legislation everywhere in our country. They are fundamental law.

This company has a valuable property in its railroad for

which it is entitled to all just protection and consideration. But it is a property to which, in its origin, a public trust is attached. To sustain this trust the property itself was created, and in indissoluble connection with this trust in all legislation it must ever be considered. It cannot divest its property from the trust, nor ought it do anything which can impair the value of the trust or hazard its rights and objects. The company cannot sell, lease or otherwise dispose of this property, deflect it from its purpose, or abandon its use. Because of this public trust the property is exempt from certain taxation and is given by law extraordinary powers and privileges, while it is properly allowed for services rendered fair and liberal compensation. The company holding this property thus in trust, while most carefully protected in their every property and personal right and interest, must be rigidly held faithfully and fully to administer the great trust imposed upon them. As with other trustees they cannot be allowed in any way to depreciate or impair or unnecessarily to burden their trust, nor, in disregard of its obligations and duties, to look exclusively, in its administration, to their own benefit and profit. Where the beneficiaries of the trust are the public, who constantly depend upon legislative action for the protection of their rights and the redress of any grievances, it is especially incumbent upon us to see that such action is not detrimental to their interests.

The public trust imposed upon a railroad corporation distinguishes it widely from private business or manufacturing companies, which have no such legal obligation, but are established for the holding, use and control of private property for only personal ends and profit.

The Commonwealth has reserved the right not only to amend or repeal all railroad charters, but also to purchase the property itself, and to fix their rate of compensation with certain limitations. It provides that upon purchase it shall pay the amount of capital stock paid in with a net profit thereon of ten per cent. a year. This seems by law and custom to have been regarded a fair maximum profit for the supply, management and risk of the capital necessary for these quasi public corporations. The legislature has rarely had occasion or disposition to use the great power thus reserved to it, and the railroad companies have considered it prudent and just to keep within this

limit. This is a stronger reason why the legislature should not sanction a measure which indirectly carries the profit much above this limit.

I know and appreciate the argument that an increase in the value of the stock of a railroad company, caused by its prudent management and extension of business, belongs to the company. But requiring the disposition, at its market value, of any new stock created does not conflict with this right. It gives to the company the whole benefit of such increase. It prevents the issue of stock more in amount than is necessary to raise the sum needed.

It saves to the individual stockholder any depreciation of his stock likely to follow from such unnecessary addition to the capital, and to the beneficiary public the burdensome charge of paying a dividend upon it. A needless burden is always an unjust burden, and is the more felt and resented, when the occasion, out of which it has arisen, has been created by the activity, progress and business of those upon whom it falls. The commercial activity and increased travel of a community give a large business to a railroad. This requires of it permanent additions to and improvements of its property, and so an increase of its capital. This increase ought not to be so made as to be itself an enormous dividend to its stockholders, and an unnecessary burden upon the contributing community.

To a people largely dependent upon the railroads and cheap transportation, not only for their convenience and happiness, but also for their commercial prosperity, such burden comes with greater weight. Against it have been uttered their protests, emphasized by the formal action of the leading commercial bodies of New England.

For these reasons I believe the interests alike of the public, the railroad company and, in the long run, of its stockholders, require that, when the authority of the Commonwealth is asked and given for an increase of the stock of the company, some provision should be made for the disposition of said stock at its market value, where such market value is largely in excess of its par value. If there is objection to its sale by auction, the option might well be given to the stockholders to take it at a fair value to be determined by the board of railroad commissioners.

While the Commonwealth has not made such provision by general law applicable to all railroad corporations, it

has already established a precedent for such a policy in the future. In giving authority last year (chap. 207, acts of 1891) to the Boston and Lowell Railroad Corporation to increase its capital stock, it expressly required that the new stock should be sold at public auction. What was sound public policy then when applied to that railroad seems to me sound public policy now as applied to this railroad. Other great railroad corporations, such as the Old Colony and the West End, have without compulsion of law sold their new stock at auction, and every gas company chartered in this Commonwealth is required by law to do so.

In the light of this practice and these precedents I can see neither injustice nor hardship in requiring that the increase of capital authorized by this bill shall be upon a similar condition. On the contrary, I believe that both the public interest and a just public sentiment demand that it be done.

I therefore return this bill for your further consideration, with the suggestion that, if the views herein expressed meet with your approval, a bill in conformity with them, granting to this company authority to increase its stock, be passed.

[To the honorable senate and house of representatives, May 16, 1892.]

I have the honor to transmit to you herewith for your information and action a supplementary report of the "Commission to promote rapid transit for the city of Boston and its suburbs" authorized by chapter 365 of the acts of 1891.

[To the honorable senate and house of representatives, May 19, 1892.]

I transmit herewith for your consideration a communication received from his excellency the governor of Vermont, requesting legislation to authorize the transportation of Vermont prisoners through this Commonwealth.

I have referred his communication with the papers accompanying it to the attorney-general, a copy of whose opinion is herewith transmitted.

[To the honorable senate and house of representatives, May 31, 1892.]

I submit herewith for your consideration a memorial addressed to me signed by prominent representatives of various religious denominations and of colleges within the

Commonwealth, which memorial requests a change of the day now observed as Fast day, and suggests in its place establishing a new holiday in the spring, and leaving the sacred and devotional purposes of Fast day "to be accomplished by the observance of Good Friday as a church religious fast day, independent of all state control or authority."

As this proposition has been much considered by many of our citizens deeply interested in it, and who represent the strong religious sentiment of our people, and as it requires your action, I gladly submit it to you, confident that you will give it the careful attention which its importance demands.

[To the honorable house of representatives, June 1, 1892.]

I return herewith with my objections a bill entitled "An act to permit the taking and sale of trout artificially raised in this Commonwealth between the fifteenth day of January and the first day of April in each year," which originated in your body.

This bill, introduced upon the petition of individuals largely interested in the artificial propagation and maintenance of trout, permits the sale of such trout at a season when the sale of other trout is forbidden by law.

The Commonwealth, by many and careful regulations and restrictions, has vigorously undertaken the preservation of her useful fish. In furtherance of this well-established and wise policy, she has created important and expensive offices; made large appropriations of money; imposed restrictions and obligations upon private ownership of land and water used or useful for fisheries; carefully limited the time, manner and place of fishing; and, as a regulation the most stringent and efficient short of entire prohibition, forbidden the purchase, sale or possession of many fish out of the lawful season.

All of this state supervision and interference with personal liberty and private property have been only upon the conceded fact of the common interest of all the people in the preservation of useful fish in the Commonwealth, and the necessity of united and so of state action to this end. Such action, year by year increasing, has been with the approval and upon the demand of the people. Among the fish most needing and constantly receiving such legal protection have been trout. For their preservation and

increase not only has the Commonwealth greatly restricted their catch, but she has also established hatchways, appropriated money for the propagation and distribution of trout, and encouraged individual assistance by granting rights of flowage and other privileges.

The sole object of this policy has been to make a valuable food and game fish, now scarce and dear, again plenty and cheap.

The catching of trout, if unrestricted either as to time or manner of fishing, would soon exterminate them. Such restrictions already established are necessarily difficult of enforcement, and, in my judgment, would become impossible of enforcement and practically useless if it is made for one's pecuniary interest to violate them by opening to him a valuable market out of season. This bill, I believe, will work just this evil. It permits the sale of a trout which differs from other trout only in being artificially fed. It opens a market for such sale to a special interest, while it is closed to all others. The restrictions of the bill, intended to prevent the sale of other trout, can be easily evaded, and I believe would be practically useless. Once permit the possession, sale and purchase of artificially raised trout during the close season, and all trout may soon be made to meet the required condition or to escape detection if they do not. The most potent influence for the preservation and increase of this fish, namely, the prohibition of a market, will then be lost.

If this bill becomes a law, I do not see how its principle can fail to be extended whenever any other individual, having a special pecuniary interest in the artificial raising of other fish or game, demands for the protection and development of his industry special privileges at the public expense and obnoxious to the public interests.

I am not ready to give my approval to legislation of this character, nor to aid in establishing an artificial trout industry by special favors from government to the injury of the public, because at the expense of the wise and well-established policy of this Commonwealth, which seeks to preserve her fish and game for the benefit of all her people.

The industry already existing was established with full knowledge of this policy, and has prospered without the aid of special legislation in its interest. I object to this bill, therefore, —

First, because it permits an act which I believe will

remove the most efficient restraint upon the illegal catching of trout, and will lead to their extermination.

Second, because it establishes a precedent which, if followed, will go far to destroy the usefulness of the fish and game laws of the Commonwealth.

Third, because in effect, if not in form, it is legislation for a special interest against the public interest and to the public injury.

[To the honorable senate, June 7, 1892.]

I herewith return with my objections a bill entitled "An act to authorize the city of Woburn to appoint a superintendent of public buildings," which originated in your body.

The strenuous opposition to this bill from many citizens of Woburn has led me to examine it with much care. I find that under the general provisions of her existing charter the city at present has authority to create this office, and I am informed that this fact was admitted at the hearing before the committee of the legislature. Under such general provisions the city has already by ordinance created the office of city engineer and the "department of city engineering," and other offices not specifically mentioned in her charter.

If there is need for this new office, which is strenuously disputed, I can see no occasion for creating it by special statute rather than by city ordinance, — unless it is intended to make unusual provisions in regard to it, which provisions will be beyond the control of the city.

I find in the bill provisions which I believe to be unusual, and which I am convinced are not conducive to proper executive responsibility or to a sound system of municipal government.

It provides that the head of this executive department, appointed by the mayor, must be confirmed and can be removed only by the concurrent action of the board of aldermen and common council, and then for cause assigned after due hearing. Executive responsibility is thus divided between the mayor and both branches of the city council.

The chief executive officer of the city, required by its charter "to keep a general supervision over the conduct of all subordinate officers," has no executive power whatever over this department except by the concurrent action

of her two legislative bodies. An incompetent or unfaithful head of this department cannot be removed until he has been indicted by the mayor, tried before the city council, and found guilty by both of its branches.

Such a system seems to me at variance with a proper idea of executive responsibility, and with the modern tendency to increase rather than to diminish it. I know of no other instance where a head of a department, appointed by the mayor of a city, is put entirely beyond his control except with the concurrent action of both the board of aldermen and common council.

The chief executive of either a city or a state, in my judgment, should be compelled to take full executive responsibility,—and to this end power should be given him over the executive departments, that they through him may be responsible to the people, and that he may be held to answer to the people for executive action in all departments. At least, such responsibility should not be scattered and lost, as provided in this bill.

This objection is emphasized by the fact that the bill also provides that “said superintendent shall hold office for such time of service as the city council of such city may upon the acceptance of this act prescribe.” It may, therefore, provide a long or indefinite term, and so prevent the control by the people over a head of department, which comes from frequent appointment or election.

If the purpose were to create an executive department without responsibility and for an indefinite term, under this bill it may be accomplished.

I have so often declared my belief in a different system, and in so concentrating executive responsibility that there may be always some one answerable to the people for executive action, and that they may retain their power directly or indirectly over their servants, that I cannot assent to a bill which takes a long and unusual step in the opposite direction.

[To the honorable senate and house of representatives, June 7, 1892.]

I submit herewith for your consideration a communication received from the board of cattle commissioners, which calls attention to the need of amending chapter 195 of the acts of this year.

This communication has been referred to the attorney-general, and I herewith enclose a copy of his opinion,

recommending that said act be amended. The act, which is intended to prevent the spread of tuberculosis, provides for the appointment "in the month of April" of certain inspectors of provisions and of animals, by cities and towns.

As the act was not approved until April 22, I find that notice was not received by the cities and towns in season to make said appointments within the time provided by law.

As the board of cattle commissioners believe it important that these officers should be appointed as soon as possible, in which opinion I concur, and as it is very doubtful if they can be legally appointed except in the month of April, I submit the matter to your consideration, with the suggestion that the act be amended so as to provide for their appointment at a later date.

[To the honorable senate, June 16, 1892.]

I return herewith with my objections a bill entitled "An act to establish Fire District Number One in the town of Webster."

Said bill makes of a portion of the town of Webster a separate district for the purpose of supplying it with water for the extinguishment of fires and for domestic and other purposes. While the establishment of such districts is not unusual in this Commonwealth, in this instance the town of Webster, by vote of nearly three to one in a very full town meeting called to consider this question, has voted against the incorporation of this fire district, and by said vote has instructed its selectmen to oppose the passage of this law. The town itself has also petitioned for leave to furnish a water supply to its inhabitants, and that petition has been referred to the next legislature.

The territory established by this bill as a fire district is at present, through the enterprise of an individual, supplied with water for fire, domestic and other purposes. There is, therefore, no immediate haste, for any purpose of protection, that this bill should be passed. On the other hand it seems to me objectionable to thrust upon the town against its earnest and overwhelming protest, a measure which concerns so closely the interest and welfare of its inhabitants, and upon which, therefore, their opinion should have great weight. I thoroughly believe that, as far as possible, every local community should be

left to govern itself and to determine for itself questions of administration and public policy which affect its interests.

I am informed that there has been a large investment made by an individual in supplying with water the district covered by this bill, and that the bill is earnestly desired by him for the protection of that investment. But I cannot doubt that under any legislation, giving authority to the town of Webster to furnish a water supply, proper provision ought to be and would be made for the payment of full damages, if this interest were taken, or for its ample protection if not taken.

On the other hand I am informed that the passage of this bill will make it impossible for the town of Webster, outside of this fire district, to establish a water supply.

[To the honorable house of representatives, June 16, 1892.]

I return herewith with my objections a bill entitled "An act to promote temperance by the suppression of the liquor saloon and tippling shop," which originated in your body.

If I believed that this bill would promote the cause of temperance I would gladly give it my approval. But I do not believe it will have or is expected to have that result, but, on the contrary, that it will lead to evasion and to the unequal and imperfect application and enforcement of law, as was recently and fully illustrated in reference to the public bar law.

This bill in substance merely prohibits the keeping or sale of liquor in any room, building or place where the sale of liquor is the exclusive or principal business carried on. It, therefore, requires only that every licensee should provide himself with some other business in addition to the sale of liquors, such, for example, as the sale of food or of newspapers, providing billiards or some other amusement as a business, or the exhibition of pictures or delivery of lectures, etc., to which he may claim to make the sale of liquors subordinate, and then leave it to a jury to determine this fact. It is perfectly clear to me that this is only encouraging a repetition of an experience in this Commonwealth which proved to be so much of a farce and scandal as to lead the legislature last year to repeal the cause of it. It was found then that the provision in reference to a public bar was enforced in only one or two

places, that it had not advanced the cause of temperance, that it was not sustained by public sentiment, and that, by constant evasions and non-enforcement, it was an injury to the cause of law and order, and so the provision was repealed.

Under this bill the seller of liquor can go through the farce of establishing a "principal business," and again we shall have an experience with unequal and imperfect attempts at enforcement of law.

I believe it is an unwise policy to enact legislation which, it is almost certain, will open the way to make a farce of law by non-enforcement, when law ought to be thoroughly enforced with the full support and approbation of the community.

I will gladly give my sanction and aid to every proper measure which will advance the cause of temperance, and to the full extent of my power will have the laws of this Commonwealth thoroughly enforced. Wherever in the past such enforcement has fallen within my official duty, I have sought to make it effective. But I do most earnestly urge on the consideration of the legislature the mischief of making provisions of law which, in the light of experience, it is believed will lead only to evasions, non-enforcement and a farce.

Under the wise and well established policy of this Commonwealth, each locality has full power to determine for itself the question of the sale of liquor within its limits, and, if it desires, can absolutely prohibit such sale.

The annual discussion and decision of this question in our local communities have preserved fully their local rights, and have also been an educational influence of great importance in advancing the cause of temperance. Even if a community votes for license, the local authorities have now absolute power to determine how many licenses, if any, shall be granted, and to what persons and what places and for what purpose.

Everything sought to be accomplished by this bill can now be accomplished by the local authorities of any community. They can limit the grant of any license, if they wish, to apothecaries, hotel keepers or grocers, or any other class within their discretion. They cannot now grant a license for sale of liquor to be drunk on the premises except to a common victualler, that is, to one who conducts also the business of furnishing food. If this

provision, now existing in law, can be and is enforced, it covers the case sought to be reached by this bill; if it is not enforced, and cannot be, it is not more law, but more enforcement of law which is needed.

In view of the full powers now given to local communities to establish prohibition or to restrict the persons or places to be licensed, or the purpose for which a license shall be used, and of the many restrictions and limitations now existing, I do not believe this proposed law is wise or necessary.

If this measure is directed especially to the city of Boston, it should be remembered that for every liquor saloon or tippling shop which now exists there, the responsibility rests directly upon the board of police, created by the state, and that there is now and has been in their hands full power to prohibit the existence of any and every such saloon or shop.

The conditions and sentiment of different communities vary greatly upon the question of the sale of liquor. It seems to me wiser to allow for such differences of condition, opinion and sentiment, by giving discretion upon this question to each community and its properly constituted authorities, than to disregard such differences by general provisions of law. So the law enacted by each community will have behind it the power and public sentiment of that community, and will be, as it ought to be and must be, thoroughly enforced. It is such a policy which has received the repeated approval and endorsement of the people of this Commonwealth. It is in thorough accord with our belief in local self-government, and in my judgment it is constantly advancing the cause of temperance.

This bill does not in any way or form prohibit the sale of liquor or limit the number of places where it may be sold, or tend to promote prohibition. Such sale may be just as open as at present and as easily accessible to any person desiring to purchase liquor, nor will he be required to order food therewith or to patronize any other business of the seller.

This legislature has shown that it does not believe in prohibition by its refusal to establish it or to limit further the number of licenses, or to enact any other measures in that direction.

The provision of this bill is solely that some other

principal business must be carried on at the place of sale. This is certain to be difficult of construction and enforcement, and may well add to the admitted evils and temptations of the saloon. It certainly is of doubtful public policy to force the association of other business with the sale of liquor.

It is not at all likely that this business, which is notoriously profitable, will by this law be limited in extent or change hands, but only that it will disguise its conduct to meet the formal requirements of the law. Instead of suppressing the saloon, in my judgment it will add to its evils, and instead of promoting temperance, it will lead to evasions and conditions which will tend to injure this most worthy cause.

As this bill comes to me with fifty or sixty others in the closing hours of your session, I am compelled to express in a hasty and imperfect way the reasons which lead me to believe that the measure is unwise, and that it is more conservative and wise to withhold my approval of it than to allow it to become a law, especially as it is not to take effect until May 1, 1893, and there is, therefore, ample opportunity for another legislature to give it consideration.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following changes of names have been received in the office of the secretary of the Commonwealth, as decreed by the several judges of the probate courts in their respective counties:—

BARNSTABLE COUNTY.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|--------------------|-----------------------------|-------------------------|------------|
| 1891. April 21, | Bessie May Eldridge,† . . . | Bessie May Chase, . . . | Yarmouth. |

BERKSHIRE COUNTY.

| | | | |
|----------|-----------------------------------|------------------------------------|-------------------|
| Feb. 5, | Lucy L. Bourk,† . . . | Viola Marguerite Mandeville, . . . | Pittsfield. |
| 5, | Elise Masse,† . . . | Elise Terrien, . . . | Clarksburg. |
| Mar. 3, | Rosa Mary Hebert,† . . . | Rosa May Mottor, . . . | Dalton. |
| 3, | Noel Hebert,† . . . | Noel Mottor, . . . | Dalton. |
| 3, | Cheri Joseph Hebert,† . . . | Cheri Joseph Sarriasin, . . . | Hinsdale. |
| 3, | Archibald Stannard,† . . . | Archibald Armstead, . . . | New Marlborough. |
| May 6, | Howard L. Wilcox,† . . . | Howard L. Pratt, . . . | North Adams. |
| 6, | Harold L. Wilcox,† . . . | Harold C. Pratt, . . . | North Adams. |
| 6, | Clara Lillian Wilcox,† . . . | Clara Lillian Cormier, . . . | North Adams. |
| June 2, | James F. Lewis, . . . | Frederick J. Hatch, . . . | Great Barrington. |
| 2, | Marguerite Daisy Rose,† . . . | Marguerite Daisy Clement, . . . | Richmond. |
| 2, | Louisa Cadrin,† . . . | Louisa Clairmont, . . . | North Adams. |
| July 21, | Barbara Lacy,† . . . | Nellie Lacy, . . . | Pittsfield. |
| 21, | Mabel Elizabeth Witherell,† . . . | Mabel Elizabeth Roberts, . . . | Pittsfield. |
| Oct. 6, | John Allen Atwood,† . . . | John Atwood Allen, . . . | Pittsfield. |
| 6, | James W. Magee,† . . . | Frederick E. Terry, . . . | North Adams. |
| Dec. 1, | Elizabeth E. Norton,† . . . | Elizabeth E. Coughlin, . . . | Cheshire. |

BRISTOL COUNTY.

| | | | |
|----------|--------------------------------|---------------------------------|--------------|
| Jan. 2, | Jeremiah Harrington,† . . . | James Harrington Doyle, . . . | Fall River. |
| 2, | Eva Carlton Vincent,† . . . | Eva Carlton Leach, . . . | New Bedford. |
| Mar. 6, | Isadore Abby Bradley,† . . . | Isadore Abby Colyar, . . . | New Bedford. |
| 6, | Benjamin Keith,† . . . | Clayton Simpson Robinson, . . . | Seekonk. |
| April 3, | Anna Margerite Otes,† . . . | Anna Margerite Bourgeois, . . . | Norton. |
| May 1, | Elizabeth Desley,† . . . | Elizabeth Lavelle, . . . | Fall River. |
| 15, | Joseph Sylvia,† . . . | Joseph Sylvia Mello, . . . | Fall River. |
| June 6, | Mary Martha Jones,† . . . | Martha Jones Adams, . . . | New Bedford. |
| 6, | Alice Mayo,† . . . | Mabel Rhodes, . . . | Taunton. |
| July 3, | Nellie Golding,† . . . | Nellie Shea, . . . | Fall River. |
| 3, | Arthur William Leonard,† . . . | Arthur William Larson, . . . | Norton. |
| Aug. 7, | Ida May Gorman,† . . . | Ida May Harvey, . . . | Taunton. |
| Nov. 6, | Manuel Silveira,† . . . | Manuel A. Brazil, . . . | New Bedford. |
| 20, | Ethel Woodward,† . . . | Ethel Tretheway, . . . | Fall River. |
| Dec. 4, | Emma Parkinson,† . . . | Emma Taylor, . . . | New Bedford. |

DUKES COUNTY.

| | | | |
|----------|------------------------|-----------------------------|------------|
| Oct. 19, | Frank L. Stuart, . . . | Frank Leonard Norton, . . . | Edgartown. |
|----------|------------------------|-----------------------------|------------|

† Changed by reason of adoption.

CHANGE OF NAMES.

ESSEX COUNTY.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-----------------------|------------------------------|--------------|
| 1901. | | | |
| Jan. 6, | Louis Nicholas,† | Charles August Pinkes, | Boston. |
| 5, | Mabel E. Davis,† | Marie Curtis Boas, | Boston. |
| 5, | Willie Foss, | William Albert Foss, | Haverhill. |
| 19, | Eunice H. Phillips,† | Hazel Huntington Seger, | Swampscott. |
| Feb. 2, | Barbara M. Smith,† | Barbara May Hooper, | Beverly. |
| 16, | Bernice M. Woodbury,† | Bernice May Allen, | Manchester. |
| Mar. 2, | Cora Viola Cone,† | Cora Viola Barton, | Westfield. |
| 16, | Alice Hannefin,† | Alice May Worthen, | —. |
| 16, | Minnie Scott,† | Minnie Helen Grover, | —. |
| April 6, | Mabel Giddings, | Madeleine Endicott Giddings, | Beverly. |
| 20, | Frances Cunningham,† | Frances Wholey, | Lawrence. |
| 20, | Agnes Cunningham,† | Agnes Wholey, | Lawrence. |
| 20, | Lillian Perkins,† | Lillian Clements, | Newburyport. |
| May 4, | Glena B. Higgins,† | Glena Beal, | Haverhill. |
| 4, | Solomon F. L. Burke, | Frank Lowell Burke, | Rowley. |
| 4, | George G. Hicken, | Guy Reynolds Hicken, | Rowley. |
| 18, | John H. Farley,† | John Henry Breen, | —. |
| 18, | Maggie M. Robinson,† | Pauline Adelia Rumsey, | Boston. |
| June 8, | Daisy L. Benson,† | Daisy Laura Kimball, | —. |
| July 6, | Emily F. Odell, | Nannie Lovett Odell, | Beverly. |
| 12, | Mary A. Healey,† | Mary Ann Jennings, | Boston. |
| 12, | Mary Lucey,† | Mary Rondeau, | Lawrence. |
| 20, | Nannie Kaiser,† | Nancy Kaiser Teal, | Lynn. |
| 27, | Elizabeth V. Carter,† | Elizabeth Victoria Carter, | Stowe, Vt. |
| Aug. 3, | Edith R. Simmons,† | Helen Edith Huckins, | Southbridge. |
| 3, | John Barber,† | Russell Younger, | Gloucester. |
| Sept. 2, | Jeremiah O'Connell, | Joseph O'Connell, | Peabody. |
| Nov. 2, | Roland D. Skinner,† | Roland Dunbar Cummings, | Mansfield. |

FRANKLIN COUNTY.

| | | | |
|-----------|--------------------------|--------------------------|-------------|
| Sept. 22, | Blanche A. Davis,† | Blanche A. D. Elmer, | Buckland. |
| Oct. 27, | Florence Mildred Brown,† | Florence Mildred Bishop, | Buckland. |
| Dec. 1, | Frederick E. Ellis,† | Frederick E. Blanchard, | Greenfield. |

HAMPDEN COUNTY.

| | | | |
|----------|---------------------------|---------------------------|-------------------|
| Jan. 7, | Charles Lindsey Chick,† | Lindsey Chick Brigham, | Monson. |
| 7, | Mary Ellen Hogan,† | Mary Ellen Riley, | Palmer. |
| 7, | John William Hogan,† | John William Riley, | Palmer. |
| 7, | Lizzie Hogan,† | Lizzie Riley, | Palmer. |
| 7, | Edward Richard Hogan,† | Edward Richard Riley, | Palmer. |
| 7, | Jennie May Hogan,† | Jennie May Riley, | Palmer. |
| Feb. 26, | Margaret Helen Moynahan,† | Margaret Helen Dougherty, | West Springfield. |
| Mar. 23, | Alice Josephine Graham,† | Alice Josephine Mason, | Springfield. |
| May 6, | Elizabeth Brown,† | Marion Chase Severance, | Holyoke. |
| 13, | Bessie May Bambush,† | Lillian May Dodd, | Springfield. |
| July 31, | Myrtle Pease,† | Myrtle Mildred Blight, | Springfield. |
| Oct. 7, | Emma Louise Norcross,† | Marjorie Christine Lane, | Springfield. |
| 21, | No name,† | Ruth Cleaves Merrill, | Springfield. |
| Dec. 2, | Blanche Morrison,† | Marion Blanche Clark, | Holyoke. |

HAMPSHIRE COUNTY.

| | | | |
|---------|----------------------|---------------------------|---------------------|
| Jan. 6, | Tuma Sarafian,† | Eether Sarafian, | Diarbekia, Armenia. |
| Feb. 3, | Agnes Brown,† | Pearl Lorence Patrell, | Northampton. |
| 3, | Eugene L. Knowlton,† | Eugene L. Knowlton, | Wilbraham. |
| Mar. 3, | Elmer Channing,† | Robert Elmer Edwards, | Worthington. |
| 3, | William Mahor,† | William Henry Tenelement, | Westfield. |

† Changed by reason of adoption.

CHANGE OF NAMES.

647

HAMPSHIRE COUNTY — CONCLUDED.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-------------------------|----------------------------|---------------------|
| 1891. | | | |
| Mar. 3, | Flora F. Sheperdson,† | Fannie F. Hofman, | Lenox. |
| 3, | — Daniels,† | Charles Francis King, | Unknown. |
| April 7, | — Harrington,† | Charles Henry Walker, | Willimantic, Conn. |
| May 5, | Robert Clifford,† | Robert Williams, | Vermont. |
| 5, | Bessie Viola Damon,† | Bessie Viola Hathaway, | Chesterfield. |
| July 25, | Thomas Sullivan, | Thomas O'Sullivan, | Ware. |
| Aug. 4, | Fred Warren Beals,† | Freddie Eugene Canterbury, | Amherst. |
| Sept. 1, | Ella J. Sweet, | Ellen J. Vall, | Northampton. |
| 1, | Ernest Sweet, | Ernest Vall, | Northampton. |
| 1, | Carroll E. Sweet, | Carroll E. Vall, | Northampton. |
| Nov. 4, | Philip Moen Washburn, | Philip Washburn, | Northampton. |
| 10, | Mather Humphrey Neill,† | Mather Humphrey Neill, | Highland Park, Ill. |
| Dec. 8, | Hannah Sullivan,† | Josephine Brown, | Ware. |

MIDDLESEX COUNTY.

| | | | |
|----------|----------------------------|---------------------------------|------------------|
| Jan. 13, | Paul Gleason,† | Herbert Marcum Waldo Brigham, | Frammingham. |
| 13, | Jessie Agnes Gerry,† | Gertrude Carr, | Somerville. |
| 13, | Charles A. McMaster, | Charles Archibald Mack Masters, | Watertown. |
| 27, | Harry Spencer,† | Harry Spencer Parker, | Medford. |
| Feb. 3, | Christina Drum,† | Blanche Christina Horne, | Cambridge. |
| 3, | Cora Emma Crockett,† | Cora Emma Lane, | Rockport, Me. |
| 3, | Flora Ella Crockett,† | Flora Ella Lane, | Rockport, Me. |
| 3, | Samuella Helen Ida Pratt,† | Helen Amelia Cole, | Acton. |
| Mar. 3, | Myrtle Campbell,† | Myrtle Ward, | Cambridge. |
| 3, | Gertrude May Bliss,† | Marian Frances Whyte Hooper, | Medford. |
| 3, | Julia Eagan,† | Bessie Lu Priest, | Lynn. |
| 10, | Everett Bates Allen, | George Bates Allen, | Lowell. |
| 17, | John Albert Hill McAvoy,† | John Albert McAvoy Tyler, | Cambridge. |
| 24, | Edwin Farnsworth,† | Edwin Charles Crosby, | Waltham. |
| April 7, | Wendell P. Bonney, | Wendell Phillips Lee, | Reading. |
| 7, | Josie Bonney, | Josie Lee, | Reading. |
| 7, | Pearl Gore,† | Pearl Foss, | Cambridge. |
| 14, | Abbie Maria Newhall, | Abbie Maria Holyoke, | Hudson. |
| 28, | Annie Smith,† | Annie Ruth Abbott, | Lowell. |
| 28, | Everett Wellington,† | David Wade, | Malden. |
| May 12, | Amelia Louisa Pfaltz, | Annie Amelia Louisa Pfaltz, | Frammingham. |
| 12, | Lizzie Adelaide Sherman,† | Lizzie Adelaide Stetson, | Hopkinton. |
| 19, | Mabel J. Buxton,† | Mabel Jane Hall, | Lowell. |
| 26, | Flora Edwards,† | Flora Ogden, | Cambridge. |
| 26, | Hattie May Allen,† | Hattie May Cleland, | Odell, Nebraska. |
| 26, | Elsie Leslie Williams,† | Addie Leslie Foster, | Cambridge. |
| June 9, | John Beatty,† | John Danchy, | Cambridge. |
| 9, | Sarah Jane McGovern,† | Sarah Jane Reynolds, | Marlborough. |
| 9, | Edna Irene Davis,† | Edna Irene Kendall, | Stoneham. |
| 23, | John McGrath,† | John Charles Wrisley, | Malden. |
| July 7, | Arthur Cary Burns,† | Walter Francis Chapman, | Boston. |
| 7, | Alice Cary Burns, | Maud Ethel Chapman, | Boston. |
| 14, | Ruth Evelyn Sherman,† | Ruth Evelyn Sherman Munson, | Medford. |
| 21, | Elizabeth Eleanor Blood,† | Elizabeth Eleanor Griffiths, | Pepperell. |
| 28, | William Hastings McGaw, | William Alexander Hastings, | Everett. |
| 28, | Mabel Linnell McGaw, | Mabel Linnell Hastings, | Everett. |
| 28, | Warren Hastings McGaw, | Warren Robert Hastings, | Everett. |
| 28, | Bertrude Inez McGaw, | Bertrude Inez Hastings, | Everett. |
| Sept. 1, | Elizabeth Nathan Phelps, | Elizabeth Adelma Nathan, | Wakefield. |
| 1, | Ruth Lee Skinner,† | Ruth Lee Hill, | Hudson. |
| 8, | George McCabe,† | Harry Nicholas Affelhof, | Malden. |
| 15, | Fannie Minerva Woodcock,† | Fannie Minerva Coffin, | New York, N. Y. |
| 22, | Mary Edith Chipman, | Esther Fenton Chipman, | Medford. |
| Oct. 6, | Himan Joseph Cooperleib, | Himan Joseph Cooper, | Somerville. |
| 6, | Lizzie Mary Cooperleib, | Lizzie Mary Cooper, | Somerville. |
| 27, | Frederick Reid Coolidge,† | Frederick Coolidge Farnum, | Boston. |
| 27, | Imogene T. Wiley, | Imogene Thompson, | Stoneham. |
| 27, | Phebe Helen Williams, | Phebe Helen Williams, | Stoneham. |
| 27, | Asa Balcom Stanley, | Asa Stanley Balcom, | Maynard. |

† Changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY—CONCLUDED.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-------------------------------------|------------------------------------|----------------|
| 1891. | | | |
| Nov. 4. | William Carver Damon, . . . | William Cotton Damon, . . . | Concord. |
| 4. | Margaret T. Smith,† . . . | Margaret Thomas French, . . . | Yonkers, N. Y. |
| 10. | Daniel Webster Brown,† . . . | Daniel Webster Hamilton, . . . | Boston. |
| 10. | Ernest J. Fortier,† . . . | Ernest Standish, . . . | Franklin. |
| 10. | Bernice Hart,† . . . | Bernice Hart Hubbard, . . . | Cambridge. |
| 17. | Edward Kenney,† . . . | Edward McArroy, . . . | Lowell. |
| 24. | Albert Singleton,† . . . | Albert Osgood Ward, . . . | Cambridge. |
| 24. | Mattie Allen,† . . . | Eva Mawhinney, . . . | Boston. |
| 24. | Louis Rudolph Niederhausern,† . . . | Louis Rudolph Gindrat, . . . | Waltham. |
| 24. | Augusta Ann Smith,† . . . | Evangeline Augusta Fletcher, . . . | Waltham. |
| Dec. 1. | Bertha L. Townsend,† . . . | Bertha Linwood Hanscom, . . . | Wellesley. |
| 8. | Eden McMillen,† . . . | Ruth Mildred Dennen, . . . | Newton. |
| 8. | Charles Flemming Mulhern,† . . . | Charles Llewellyn Flanders, . . . | Boston. |
| 22. | Henry J. Bauer,† . . . | Henry Joseph La Fay, . . . | Boston. |
| 22. | Alice G. Bauer,† . . . | Alice Mary La Fay, . . . | Boston. |
| 22. | Mabel Covert,† . . . | Mabel Goulding, . . . | Lynn. |

NORFOLK COUNTY.

| | | | |
|----------|---|----------------------------------|----------------|
| Jan. 7. | Michael Francis Clarke, . . . | Francis Clarke, . . . | Randolph. |
| 7. | Effie Maud Tuttle,† . . . | Effie Maud Stanton, . . . | Needham. |
| Feb. 4. | Ernest Hermann Seifert,† . . . | Ernest Halbauer, . . . | Dedham. |
| 18. | John Arthur Healy,† . . . | John Arthur Lyman, . . . | Cambridge. |
| April 1. | Thomas Lester,† . . . | Frederick Cushman Runnels, . . . | Boston. |
| 8. | Willie Weason,† . . . | William Meehan, . . . | Lowell. |
| 15. | Mary Ella Robinson,† . . . | Mary Ella Gay, . . . | Hampton, N. B. |
| June 10. | Frederick Lawrence,† . . . | Frederick Lawrence Vinal, . . . | Methuen. |
| July 1. | Gertrude Anna Sturckler,† . . . | Gertrude Anna Packard, . . . | Worcester. |
| Sept. 2. | George Pearl Tower,† . . . | Alice May Bickley, . . . | Boston. |
| 23. | John Chapman,† . . . | Charles Richard Stewart, . . . | Boston. |
| 23. | Rose Murphy,† . . . | Gertrude Hazel Frye, . . . | Boston. |
| Oct. 23. | Ethel Smith,† . . . | Mildred Ethel Haggerty, . . . | Groton. |
| Nov. 11. | Ruth Beatrice Sinclair Pieterse,† . . . | Beatrice Tucker, . . . | Boston. |
| 11. | Herbert Harrison Pieterse,† . . . | Herbert Loring Dobie, . . . | Boston. |
| 18. | Kathrine Belle Crawford,† . . . | Kathrine Belle Bacon, . . . | Scotland. |

PLYMOUTH COUNTY.

| | | | |
|-----------|------------------------------|--------------------------------|-------------------|
| Jan. 12. | Julia S. Stanley,† . . . | Julia May Woods, . . . | Pembroke. |
| 12. | Victoria Stanley,† . . . | Mabel Victoria Hunt, . . . | Duxbury. |
| Mar. 9. | Alice Caroline Damon,† . . . | Alice Caroline McKenney, . . . | Abington. |
| 9. | George Henry Downey, . . . | George Henry Downing, . . . | Hingham. |
| April 13. | Edwin Forest Page, . . . | Edwin Forest Cobb, . . . | Brockton. |
| May 25. | Rose McCloskey,† . . . | Rose Ellen Conroy, . . . | Whitman. |
| June 22. | Infant,† . . . | Pearl Alida Packard, . . . | Brockton. |
| 22. | Esther Maude Wright,† . . . | Esther Maude Stetson, . . . | Bridgewater. |
| Sept. 23. | Hugh McCloskey,† . . . | Hugh Churchill McAdams, . . . | West Bridgewater. |
| Oct. 26. | Blanche Maud Crowell,† . . . | Louise Flavella Field, . . . | Brockton. |

SUFFOLK COUNTY.

| | | | |
|---------|---------------------------------|-----------------------------------|---------------|
| Jan. 5. | Katherine L. Conine,† . . . | Katherine L. Gage, . . . | Athens, N. Y. |
| 5. | Onesyi Ettinger,† . . . | Onesyi Ettinger Thurston, . . . | Boston. |
| 5. | Sethantes Howland,† . . . | Sethantes Howland Thurston, . . . | Boston. |
| 5. | Elizabeth Ray Jenks, . . . | Elizabeth Ray Pritchard, . . . | Boston. |
| 5. | John J. Mackeghney, . . . | John J. Mack, . . . | Boston. |
| 5. | Willie Willard Trenholm,† . . . | Willie Trenholm Parker, . . . | Boston. |
| 26. | Quincy Alexander Shaw, . . . | Quincy Adams Shaw, . . . | Boston. |
| 26. | Elizabeth Tarlton, . . . | Elizabeth Edwards, . . . | Boston. |

† Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY—CONTINUED.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|-----------------------------|------------------------------|---------------|
| 1901. | | | |
| Feb. 2. | Lena May Pearson,† | Gunhilda Alfrida Miller, | Lynn. |
| 9. | Mary Belle McCloud, | Mary Belle Keith, | Boston. |
| Mar. 2. | William Harold Hickok,† | William Harold Tenney, | Boston. |
| 2. | Francis W. Higgins, | Francis W. Higgins Glenerne, | Boston. |
| 2. | Bessie Marsh,† | Bessie Lotty Whitney, | Boston. |
| 16. | Margaret Desmond, | Margaret Hart, | Boston. |
| 16. | Patrick Foley,† | Patrick Tremaine, | Boston. |
| 23. | Lizzie Graham,† | Bessie Lincoln, | Warren, Pa. |
| 30. | Florence Violet Roy,† | Vanda Violet Maynard, | Boston. |
| April 6. | Arthur Herbert Delaney, | Arthur Herbert Dean, | Boston. |
| 13. | Laura May Blake,† | Laura May Riedy, | Boston. |
| 13. | John H. Williams,† | John H. Blodgett, | Boston. |
| 20. | Juliette Monroe, | Lorna Harding Young, | Boston. |
| 27. | Frank Edmund Gollop, | Frank Redmund, | Boston. |
| 27. | Jacob Kusnick, | Jacob Cohen, | Boston. |
| 27. | Marion Estelle North,† | Marion Estelle Crowley, | Boston. |
| May 4. | Margueritte McKenna,† | Margueritte Hanson, | Boston. |
| 4. | Magdalena Wachter, | Magdalena Walker, | Boston. |
| 4. | William Louis Wachter, | William Louis Walker, | Boston. |
| 18. | Darwin Nugent,† | Harry Fleke Blossom, | Boston. |
| 25. | Margaret Ann Hagerty,† | Margaret Ann O'Brien, | Boston. |
| 25. | Ellis Oechsner,† | Ellis Exner Lee, | Boston. |
| June 8. | Marion Lincoln Washburn,† | Marion Lincoln Frye, | Boston. |
| 16. | Wilhelmina A. Bates,† | Martha Augusta Tharby, | Boston. |
| 22. | Samuel S. Sunderland, | Samuel Sunderland Sherman, | Boston. |
| 22. | Edward Kelley,† | Edward Charles Hoyt, | Dennis. |
| 26. | Alamanza Bradley Roberts, | Allie Bradley Roberts, | Boston. |
| July 13. | Georgiana Elizabeth Speck,† | Georgiana Elizabeth Foy, | Boston. |
| 13. | Nellie Chaffe,† | Lucy Annie Stowell, | Eastport, Me. |
| 13. | Joseph F. Kelley,† | George Francis Heald, | Dennis. |
| 13. | Jerome Walton,† | Jerome Walton Allan, | Boston. |
| 20. | John Bowman,† | John Blue, | Boston. |
| 27. | Emma Louise Amazeen,† | Emma Louise Colby, | Winthrop. |
| 27. | Thomas Gallagher,† | George Harcourt, | Boston. |
| 27. | Mabel Irene Taplin, | Mabel Irene Wheeler, | Chelsea. |
| 27. | Xenophon Pearce, | George Pearce, | Boston. |
| 27. | Mabel Russell,† | Gladie Dudley, | Boston. |
| Aug. 17. | Jennie Emeline Garland,† | Jennie Emeline Dean, | Boston. |
| 17. | Sibyl Adams Kohler,† | Sibyl Adams Hodges, | Boston. |
| 17. | Charles Davis Kohler,† | Charles Davis Hodges, | Boston. |
| 17. | Maud E. Stedman,† | Maud E. Robinson, | Boston. |
| 17. | Godfrey H. Stedman,† | Godfrey H. Robinson, | Boston. |
| Sept. 8. | Grace Blackwell,† | Ariane Goudreau, | Lynn. |
| 8. | Elsie May Burrell,† | Elsie May Stirk, | Winthrop. |
| 8. | Mary Anderson McCoull, | Mary McCoull Anderson, | Boston. |
| 14. | Charles Wm. Jennison,† | Charles Wm. Whitechurch, | Boston. |
| 14. | John Mulligan,† | John Mulhern, | Boston. |
| 14. | Jennie Mulligan, | Jennie Mulhern, | Boston. |
| 14. | Sarah E. Mulligan,† | Sarah E. Mulhern, | Boston. |
| 21. | Foster Knowlton,† | Foster Clarence Poland, | Boston. |
| 28. | Clarence Henry Doerringer, | Clarence Henry Berner, | Boston. |
| 28. | John Elliott,† | John Philip Sylvester, | Cambridge. |
| Oct. 6. | Katie Anne Murphy,† | Katie Anne De Freitas, | Boston. |
| 6. | Charles Harold Coyle, | Harold Robbins Day, | Boston. |
| 6. | Mary Emma Coyle, | Mary Emma Day, | Boston. |
| 6. | Albert Hall,† | Howard Carter, | Boston. |
| 6. | Wm. Jackson Onley,† | Wm. Jackson Smith, | Boston. |
| 12. | Alice May Brennan,† | Alice Ramsey, | Boston. |
| 19. | Frank Henry Mahoney, | Frank Henry Thomas, | Boston. |
| Nov. 2. | Justin Frank Carter,† | Ervin Libby Stearns, | Boston. |
| 9. | Peter Anton Mangor Barfoed, | Peter Anton Food, | Boston. |
| 16. | Lena Welch,† | Mabel Adeline Welch, | Boston. |
| 23. | Frederick P. Greenberg, | Frederick P. Green, | Boston. |
| 23. | Theresa Josephine King,† | Theresa Stevens, | Boston. |
| 30. | Joseph Lyman Parks, | Joseph Lyman Stone, | Boston. |
| Dec. 7. | Bertha Viola Sinclair,† | Ethel Collins, | Boston. |
| 7. | Lewis Witkowsky, | Lewis Witte, | Boston. |
| 7. | Martin Witkowsky, | Martin Witte, | Boston. |

† Changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY — CONCLUDED.

| Date of Decree. | Original Name. | Name Decreed. | Residence. |
|-----------------|----------------------------------|------------------------------|------------|
| 1891. | | | |
| Dec. 7, | Dorothea Witkowsky, . . . | Dorothea Witte, . . . | Boston. |
| 7, | Saul A. Witkowsky, . . . | Saul A. Witte, . . . | Boston. |
| 14, | Mabel Mitchell Wall,† . . . | Mabel Mitchell Smith, . . . | Boston. |
| 14, | Henry Stanley Hearty or Haraty,† | Edwin Alfred Gatchell, . . . | Cambridge. |

WORCESTER COUNTY.

| | | | |
|----------|--------------------------------|----------------------------------|-----------------|
| Jan. 9, | Ethel Winifred Pierce,† . . . | Ethel Winifred Slater, . . . | Uxbridge. |
| 9, | Carrie G. Gillette,† . . . | Carrie Belle Currier, . . . | Ashburnham. |
| 20, | Nellie G. Sands,† . . . | Nellie G. Streeter, . . . | Southbridge. |
| 27, | Lillian T. Sullivan,† . . . | Lillian T. Doherty, . . . | Leominster. |
| Feb. 20, | Margaret A. Farren,† . . . | Annie May Fletcher, . . . | Harvard. |
| Mar. 3, | Dede Marie Nullett,† . . . | Dede Marie Willard, . . . | Lancaster. |
| 24, | Archle Bradford Stanley, . . . | Byron Archle Stanley, . . . | Fitchburg. |
| 24, | Emma Shambo,† . . . | Emma Bussiere, . . . | Fitchburg. |
| 27, | Louis Jasmin,† . . . | Joseph Alfred Tourigny, . . . | Worcester. |
| April 7, | John Doyle, Jr., . . . | John J. Doyle, . . . | No. Brookfield. |
| 10, | Ethel Smith,† . . . | Maud Ethel Frink, . . . | Spencer. |
| 17, | Laura Evelyn Fisher,† . . . | Laura Evelyn Yeager, . . . | No. Brookfield. |
| 17, | Mary Sheehan,† . . . | Mary Sherman, . . . | Gardner. |
| 17, | Fred Leroy Dixon,† . . . | Fred LeRoy Putnam, . . . | Rutland. |
| 28, | James Comrie,† . . . | James Methven Comrie, . . . | Enfield, Conn. |
| May 13, | Waldo Isenor,† . . . | Ephraim Waldo Tucker, . . . | Worcester. |
| June 12, | Florence May Winans,† . . . | Florence May James, . . . | Fitchburg. |
| 23, | Lizzie Brennan,† . . . | Eva Grace Nutting, . . . | Ashburnham. |
| July 17, | Herbert Whiting,† . . . | Archle Berthold Coddling, . . . | Conway. |
| 17, | Mary Ethel Franklin,† . . . | Mary Ethel Coolidge, . . . | Worcester. |
| 21, | Amy Edson,† . . . | Leone Margery Morse, . . . | Athol. |
| Aug. 11, | William Dresser Olegg,† . . . | William Dresser Knight, . . . | Putnam, Conn. |
| Sept. 1, | Harland L. Goodnow,† . . . | Harland L. Neal, . . . | Winchendon. |
| 1, | Frank R. Hood, . . . | Frank R. Warren, . . . | Worcester. |
| 1, | Edgar Smith,† . . . | Edgar Nichols, . . . | Worcester. |
| Oct. 6, | Charles A. Hypson,† . . . | Alfred Wilson, . . . | Hopedale. |
| 6, | Harry James Parker,† . . . | Harry James Power, . . . | Southborough. |
| 6, | Leon Carter,† . . . | Leon Edwards, . . . | Worcester. |
| 20, | Lena Etchells,† . . . | Dora Eliza Allen, . . . | Worcester. |
| Nov. 17, | Helen Clark,† . . . | Helen Hemenway, . . . | Gardner. |
| 17, | Willie Elwin Ball, . . . | William Elwin Ball, . . . | Westborough. |
| 17, | Emeline T. Knight, . . . | Emeline P. Tenney, . . . | Worcester. |
| 17, | Harry C. Dunn,† . . . | Harry William Nelson, . . . | Fitchburg. |
| 24, | Lester W. Towne,† . . . | Lester W. Sanders, . . . | Athol. |
| Dec. 1, | Frederick Coomes Hale, . . . | Frederick Coomes Garfield, . . . | Northborough. |
| 22, | Ethel Curley,† . . . | Mabel Ethel Nutting, . . . | Ashburnham. |

† Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR

1892.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

WILLIAM E. RUSSELL,
GOVERNOR.

SAMUEL ROADS, Jr. *Private Secretary.*
EDWARD F. HAMLIN *Executive Clerk.*

HIS HONOR

WILLIAM H. HAILE,
LIEUTENANT GOVERNOR.

COUNCIL—(By Districts).

I.—ISAAC N. KEITH Bourne.
II.—EDWIN V. MITCHELL Medfield.
III.—EPHRAIM STEARNS Waltham.
IV.—JAMES DONOVAN Boston.
V.—MOSES HOW Haverhill.
VI.—ALONZO H. EVANS* Everett.
VII.—GEORGE F. MORSE Leominster.
VIII.—ELISHA MORGAN Springfield.

WILLIAM M. OLIN,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* GEORGE G. SPEAR, *2d Deputy.*

GEORGE A. MARDEN,

TREASURER AND RECEIVER GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*
WENDELL P. MARDEN, *Cashier.*

JOHN W. KIMBALL,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

ALBERT E. PILLSBURY,

ATTORNEY GENERAL.

GEORGE C. TRAVIS *First Assistant Attorney General.*
CHARLES N. HARRIS *Second Assistant Attorney General.*

* Elected by the Legislature, February 18, in place of Charles F. Loring of Melrose, deceased.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1886.

SENATE.

President — ALFRED S. PINKERTON.

| District. | Name of Senator. | Residence. |
|--------------------|---------------------------|--------------|
| First Suffolk, . . | Arthur B. Champlin, . . | Chelsea. |
| Second " . . | John Reade, . . . | Boston. |
| Third " . . | John W. Coveney, . . | Cambridge. |
| Fourth " . . | Patrick J. Kennedy, . . | Boston. |
| Fifth " . . | Henry Parkman, . . | Boston. |
| Sixth " . . | William S. McNary, . . | Boston. |
| Seventh " . . | Michael J. McEttrick, . . | Boston. |
| Eighth " . . | William H. Carberry, . . | Boston. |
| Ninth " . . | William H. West, . . | Boston. |
| First Essex, . . | Charles H. Baker, . . | Lynn. |
| Second " . . | William E. Meade, . . | Salem. |
| Third " . . | Luther Dame, . . . | Newbury. |
| Fourth " . . | Edward P. Shaw, . . | Newburyport. |
| Fifth " . . | B. Frank Southwick, . . | Peabody. |
| Sixth " . . | Richard A. Carter, . . | Lawrence. |
| First Middlesex, . | Francis H. Raymond, . . | Somerville. |
| Second " . . | Gorham D. Gilman, . . | Newton. |
| Third " . . | John Read, . . . | Cambridge. |

SENATE.

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| District. | Name of Senator. | Residence. |
|--------------------------------|---------------------------|-----------------|
| Fourth Middlesex, . | James W. McDonald, . | Marlborough. |
| Fifth " . | Edwin F. Wyer, . . | Woburn. |
| Sixth " . | B. Marvin Fernald, . . | Melrose. |
| Seventh " . | John E. Drury, . . . | Lowell. |
| First Worcester, . | John R. Thayer, . . . | Worcester. |
| Second " . | George K. Nichols, . . | Grafton. |
| Third " . | Eben S. Stevens, . . . | Dudley. |
| Fourth " . | Alfred S. Pinkerton, . | Worcester. |
| Worcester and Hampshire, . . . | Sidney P. Smith, . . . | Athol. |
| First Hampden, . | Christopher C. Merritt, . | Springfield. |
| Second " . | William Provin, . . . | Westfield. |
| Franklin, . . . | Wilder P. Clark, . . . | Winchendon. |
| Berkshire, . . . | Stephen A. Hickox, . . | Williamstown. |
| Berkshire and Hampshire, . . . | Henry A. Kimball, . . . | Northampton. |
| First Norfolk, . | William N. Eaton, . . . | Quincy. |
| Second " . . | William F. Ray, . . . | Franklin. |
| First Plymouth, . | Francis P. Arnold, . . . | Pembroke. |
| Second " . . | Isaac N. Nutter, . . . | E. Bridgewater. |
| First Bristol, . . | Edward Mott, | Taunton. |
| Second " . . . | Robert Howard, | Fall River. |
| Third " . . . | William M. Butler, . . . | New Bedford. |
| Cape, | John Simpkins, | Yarmouth. |

HENRY D. COOLIDGE, *Clerk.*
EDMUND DOWSE, *Chaplain.*
JOHN G. B. ADAMS, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES.

Speaker—WILLIAM E. BARRETT.

COUNTY OF SUFFOLK.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|------------------|--|--------------------|
| 1st, | Boston, Ward 1, | { Lewis Burnham, . Frank C. Wood, . | Boston. Boston. |
| 2d, | Boston, Ward 2, | { Charles A. Kelly, . Benjamin J. Sullivan, | Boston. Boston. |
| 3d, | Boston, Ward 3, | { Cornelius E. Mahoney, John F. Sundberg, . | Boston. Boston. |
| 4th, | Boston, Ward 4, | { William H. Oakes, . Edward E. Turner, . | Boston. Boston. |
| 5th, | Boston, Ward 5, | { Edward W. Presho, . Charles M. Dacey, . | Boston. Boston. |
| 6th, | Boston, Ward 6, | { Jeremiah J. Crowley, James O. Fallon, . | Boston. Boston. |
| 7th, | Boston, Ward 7, | { Patrick F. Brogan, . Edward P. Clark, . | Boston. Boston. |
| 8th, | Boston, Ward 8, | { Daniel F. Breen, . Michael B. Gilbride, | Boston. Boston. |
| 9th, | Boston, Ward 9, | { Charles E. Harris, . George v. L. Meyer, | Boston. Boston. |
| 10th, | Boston, Ward 10, | { Bowdoin S. Parker, . Charles F. Sprague, | Boston. Boston. |
| 11th, | Boston, Ward 11, | { James M. Olmstead, Perlie A. Dyar, . | Boston. Boston. |
| 12th, | Boston, Ward 12, | { Patrick J. Heffernin, Daniel P. Toomey, . | Boston. Boston. |
| 13th, | Boston, Ward 13, | { Daniel McCarthy, . Thomas A. Quinn, . | Boston. Boston. |
| 14th, | Boston, Ward 14, | { Charles J. Chance, . Richard F. McSolla, | Boston. Boston. |

HOUSE OF REPRESENTATIVES.

657

COUNTY OF SUFFOLK — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|---|-----------------------|
| 15th, | Boston, Ward 15, | { Joseph J. Casey, . John B. Lynch, . | Boston. Boston. |
| 16th, | Boston, Ward 16, | { Isaac Rosnosky, . Thomas J. Keliher, . | Boston. Boston. |
| 17th, | Boston, Ward 17, | { Andrew M. Lanigan, Bernard M. Wolf, . | Boston. Boston. |
| 18th, | Boston, Ward 18, | { Augustus G. Perkins, S Stillman Blanchard, | Boston. Boston. |
| 19th, | Boston, Ward 19, | { Charles H. Bryant, . William J. Dolan, . | Boston. Boston. |
| 20th, | Boston, Ward 20, | { John J. Hoar, . . John Golding, . . | Boston. Boston. |
| 21st, | Boston, Ward 21, | { Benjamin F. Brown, John H. Norton, . | Boston. Boston. |
| 22d, | Boston, Ward 22, | . William L. Mooney, | Boston. |
| 23d, | Boston, Ward 23, | { Salem D. Charles, . William G. Baker, . | Boston. Boston. |
| 24th, | Boston, Ward 24, | { Frederic W Bliss, . Louis M. Clark, . | Boston. Boston. |
| 25th, | Boston, Ward 25, | . Bentley W. Warren, | Boston. |
| 26th, | Chelsea, Wards 1, 2, 3, | { Charles H. Holmes, . Marcus M. Merritt, . | Chelsea. Chelsea. |
| 27th, | { Chelsea, Ward 4, . Revere, . . . Winthrop, . . . } | { John C. Loud, . . Albert W. Richardson, | Chelsea. Winthrop. |

COUNTY OF ESSEX.

| | | | |
|------|---|---|--------------------------|
| 1st, | { Salisbury, . . . Amesbury, . . . Merrimac, . . . West Newbury, . } | { Samuel J. Brown, . Richard Newell, . | Amesbury. W. Newbury. |
| 2d, | { Haverhill, Wards 1, } 2, 4, 6, . . . } | { Warren Hoyt, . . . Thomas E. St. John, | Haverhill. Haverhill. |

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONTINUED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|---|--------------------------------------|
| 3d, | { Haverhill, Wards 3, 5, Methuen, Bradford, } | James O. Parker, . Ira O. Sawyer, . | Methuen. Haverhill. |
| 4th, | { Lawrence, Wards 1, 2, 3, } | Dennis E. Halley, . William Cannon, . | Lawrence. Lawrence. |
| 5th, | { Lawrence, Wards 4, 5, 6, } | William H. Hart, . Frank McAnally, . | Lawrence. Lawrence. |
| 6th, | { Andover, North Andover, . } | James B. Smith, . | Andover. |
| 7th, | { Groveland, Georgetown, . . . Boxford, Topsfield, . . . } | Edwin H. George, . | Groveland. |
| 8th, | { Newburyp't, Wards 1, 2, 3, 4, 5, 6, . Newbury, . . . } | Arthur C. Richardson, Eben S. Dole, . . | Newburyport. Newburyport. |
| 9th, | { Rowley, Ipswich, Hamilton, Wenham, } | George Fall, . . . | Ipswich. |
| 10th, | { Gloucester, Wards 1, 3, 4, 5, 6, 7, 8, . Essex, Manchester, . . . } | Sylvanus Smith, . Howard G. Lane, . Miles S. Andrews, . | Gloucester. Gloucester. Essex. |
| 11th, | { Gloucester, Ward 2, Rockport, . . . } | George H. Friend, . | Gloucester. |
| 12th, | Beverly, | George A. Galloupe, | Beverly. |
| 13th, | Salem, Wards 1, 2, . | Samuel A. Potter, . | Salem. |
| 14th, | Salem, Wards 3, 5, . | Joseph L. Lougee, . | Salem. |
| 15th, | Salem, Wards 4, 6, . | William D. Dennis, . | Salem. |
| 16th, | Marblehead, . . . | Henry C. Sparhawk, | Marblehead. |
| 17th, | { Swampscott, . . . Lynn, Wards 2, 3, . } | Eugene A. Bessom, . Charles T. Jackson, | Lynn. Swampscott. |

HOUSE OF REPRESENTATIVES.

659

COUNTY OF ESSEX — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|--|---------------------|
| 18th, | { Lynn, Ward 4, . } { Nahant, . . . } | Lewis H. Bartlett, . Edward L. Daley, . | Lynn. Lynn. |
| 19th, | { Lynn, Wards 1, 5, . } { Lynnfield, . . . } | John M. Danforth, . Charles M. Bacheller, | Lynnfield. Lynn. |
| 20th, | { Lynn, Wards 6, 7, . } { Saugus, . . . } | Lemuel M. Brock, . William W. Lowe, . | Lynn. Saugus. |
| 21st, | Peabody, . . . | Francis H. Appleton, | Peabody. |
| 22d, | { Danvers, . . . } { Middleton, . . . } | Samuel L. Sawyer, . | Danvers. |

COUNTY OF MIDDLESEX.

| | | | |
|-------|---|--|--------------------------|
| 1st, | { Cambridge, Wards } { 1, 5, . . . } | Isaac McLean,* . William B. Durant, | Cambridge. Cambridge. |
| 2d, | Cambridge, Ward 2, { | Horace E. Clayton, Daniel H. Coakley, | Cambridge. Cambridge. |
| 3d, | Cambridge, Ward 3, | Stephen Anderson, . | Cambridge. |
| 4th, | Cambridge, Ward 4, { | Malcolm E. Rideout, John Hopewell, Jr., | Cambridge. Cambridge. |
| 5th, | Somerville, Ward 1, | George W. Perkins, | Somerville. |
| 6th, | Somerville, Ward 2, | Joseph J. Giles, . | Somerville. |
| 7th, | { Somerville, Wards } { 3, 4, . . . } | George O. Proctor, . | Somerville. |
| 8th, | Medford, . . . | Wm. B. Lawrence, . | Medford. |
| 9th, | { Malden, Wards 1, 2, } { 3, 4, 5, 6, 7, . } | Charles F. Shute, . Arthur H. Wellman, | Malden. Malden. |
| 10th, | Everett, . . . | Frank P. Bennett, . | Everett. |
| 11th, | Melrose, . . . | William E. Barrett, | Melrose. |
| 12th, | Stoneham, . . . | Myron J. Ferren, . | Stoneham. |
| 13th, | Wakefield, . . . | James H. Carter, . | Wakefield. |

* Elected January 26; qualified February 3; in place of Charles Almy, who failed to qualify.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX — CONTINUED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|--|-------------------------------|
| 14th, | { Woburn, Wards 1, 2, 3, 4, 5, 6, 7, . Reading, . . . } | Thomas D. Hevey, . Henry C. Hall, . | Woburn. Woburn. |
| 15th, | { Arlington, . . . Winchester, . . } | Samuel W. McCall, | Winchester. |
| 16th, | { Watertown, . . . Belmont, . . . } | J. Henry Fletcher, . | Belmont. |
| 17th, | { Newton, Wards 1, 2, 3, 4, 5, 6, 7, . } | Dwight Chester, . S. E. Howard, . | Newton. Newton. |
| 18th, | { Waltham, Wards 1, 2, 3, 4, 5, 6, 7, . Weston, . . . } | Mahlon R. Leonard, Henry J. Jennison, | Waltham. Weston. |
| 19th, | { Lexington, . . . Lincoln, . . . Concord, . . . Bedford, . . . Burlington, . . } | Richard F. Barrett, | Concord. |
| 20th, | { Chelmsford, . . . Billerica, . . . Tewksbury, . . . Wilmington, . . North Reading, . } | Charles H. Kohl- rausch, Jr., . | Billerica. |
| 21st, | Lowell, Ward 1, . | Patrick J. Savage, . | Lowell. |
| 22d, | Lowell, Ward 2, . | Fred. N. Wier, . | Lowell. |
| 23d, | Lowell, Ward 3, . | John W. McEvoy, . | Lowell. |
| 24th, | { Lowell, Wards 4, 5, Dracut, . . . Tyngsborough, . } | Robert G. Bartlett, . Clarence G. Coburn, Amasa Pratt, . | Lowell. Lowell. Lowell. |
| 25th, | Lowell, Ward 6, . | Charles H. Hobson, | Lowell. |
| 26th, | Natick, . . . | Edgar S. Dodge, . | Natick. |
| 27th, | { Hopkinton, . . . Ashland, . . . } | Granville C. Fiske, . | Ashland. |
| 28th, | { Holliston, . . . Sherborn, . . . Framingham, . . Wayland, . . . } | Russell M. French, . George E. Cutler, . | Framingham. Framingham. |

HOUSE OF REPRESENTATIVES.

661

COUNTY OF MIDDLESEX — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|---|-------------------------|
| 29th, | { Marlborough, W'ds 1, 2, 3, 4, 5, 6, 7, . Hudson, . . . Sudbury, . . . } | William H. Brigham, John J. O'Brien, . | Hudson. Marlborough. |
| 30th, | { Maynard, . . . Stow, . . . Boxborough, . . . Littleton, . . . Acton, . . . Carlisle, . . . } | N. Emery Whitcomb, | Boxborough. |
| 31st, | { Westford, . . . Groton, . . . Pepperell, . . . Dunstable, . . . } | Joseph B. Heald, . | Pepperell. |
| 32d, | { Ayer, . . . Shirley, . . . Townsend, . . . Ashby, . . . } | Clarence Stickney, . | Townsend. |

COUNTY OF WORCESTER.

| | | | |
|------|---|--|---------------------------|
| 1st, | { Athol, . . . Royalston, . . . Phillipston, . . . } | Charles Crosman, . | Athol. |
| 2d, | { Gardner, . . . Winchendon, . . . Templeton, . . . Ashburnham, . . . } | Percival Blodgett, . S. Augustus Howe, . | Templeton. Gardner. |
| 3d, | { Barre, . . . Dana, . . . Petersham, . . . Hardwick, . . . Rutland, . . . } | George R. Simonds, . | Barre. |
| 4th, | { Westminster, . . . Hubbardston, . . . Princeton, . . . Holden, . . . Paxton, . . . } | Stillman F. Morse, . | Holden. |
| 5th, | { Brookfield, . . . North Brookfield, . . . West Brookfield, . . . New Braintree, . . . Oakham, . . . Sturbridge, . . . Warren, . . . } | Albert G. Blodgett, . Edward Fairbanks, . | W. Brookfield. Warren. |

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONTINUED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|---|---------------------------|
| 6th, | { Spencer, . . . } Leicester, . . . } | J. Bradford Sargent, | Leicester. |
| 7th, | { Charlton, . . . } Dudley, . . . } Southbridge, . . } | Lemuel Healy, . | Dudley. |
| 8th, | { Webster, . . . } Oxford, . . . } Auburn, . . . } | John F. Hinds, . | Webster. |
| 9th, | { Douglas, . . . } Millbury, . . . } Sutton, . . . } | Henry C. Batcheller, | Sutton. |
| 10th, | { Uxbridge, . . . } Northbridge, . . } | George S. Ball, . | Upton. |
| 11th, | { Blackstone, . . . } Mendon, . . . } Milford, . . . } Hopedale, . . . } | John T. McLoughlin, Michael Carroll, . | Milford. Blackstone. |
| 12th, | { Westborough, . . } Northborough, . . } Southborough, . . } Berlin, . . . } Shrewsbury, . . . } Grafton, . . . } | George H. Rugg, . DeWitt Clinton Nichols,* . . . | Grafton. Southborough. |
| 13th, | { Boylston, . . . } Bolton, . . . } West Boylston, . . } Clinton, . . . } Harvard, . . . } Lancaster, . . . } Sterling, . . . } | Andrew L. Nourse, . Wellington E. Parkhurst, | Bolton. Clinton. |
| 14th, | { Leominster, . . . } Lunenburg, . . . } | Aaron O. Wilder, . | Leominster. |
| 15th, | { Fitchburg, Wards 1, } 2, 3, 4, 5, 6, . } | Edward W. Ackley, Henry F. Rockwell, | Fitchburg. Fitchburg. |
| 16th, | Worcester, Ward 1, | Alfred S. Roe, . . | Worcester. |
| 17th, | Worcester, Ward 2, | James P. Crosby, . | Worcester. |

* Elected January 26; qualified February 3; in place of Fred M. Ambrose, who failed to qualify.

HOUSE OF REPRESENTATIVES.

663

COUNTY OF WORCESTER — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--------------------|-------------------------|------------|
| 18th, | Worcester, Ward 3, | Eugene M. Moriarty, | Worcester. |
| 19th, | Worcester, Ward 4, | James H. Mellen, . | Worcester. |
| 20th, | Worcester, Ward 5, | James F. Melaven, . | Worcester. |
| 21st, | Worcester, Ward 6, | Henry J. Jennings, . | Worcester. |
| 22d, | Worcester, Ward 7, | Henry G. Taft, . | Worcester. |
| 23d, | Worcester, Ward 8, | George S. Clough, . | Worcester. |

COUNTY OF HAMPSHIRE.

| | | | |
|------|---|---|------------------------------|
| 1st, | { Northampton, W'ds 1, 2, 3, 4, 5, 6, 7, . Easthampton, . . . Southampton, . . } | Arthur F. Nutting, . James M. Fay, . | Northampton. Northampton. |
| 2d, | { Chesterfield, . . . Cummington, . . . Goshen, Huntington, . . . Middlefield, . . . Plainfield, . . . Westhampton, . . Worthington, . . } | Charles H. Hooker, . | Westhampton. |
| 3d, | { Hatfield, Hadley, South Hadley, . . Williamsburg, . . } | Thomas M. Carter, . | Williamsburg. |
| 4th, | { Amherst, Belchertown, . . . Granby, } | George H. B. Green, | Belchertown. |
| 5th, | { Enfield, Greenwich, Pelham, Prescott, Ware, } | William S. Hyde, . | Ware. |

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPDEN.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|--|------------------------------|
| 1st, | { Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Granville, . . . } { Southwick, . . . } { Agawam, . . . } | Erastus D. Larkin, . | Tolland. |
| 2d, | { Montgomery, . . . } { Russell, . . . } { Westfield, . . . } { West Springfield, . . } | James A. Lakin, . Henry W. Ashley, . | Westfield. Westfield. |
| 3d, | { Holyoke, Wards 5, } { 6, 7, . . . } | Richard G. Kilduff, . | Holyoke. |
| 4th, | { Holyoke, Wards 1, } { 2, 3, 4, . . . } | William P. Buckley, | Holyoke. |
| 5th, | { Chicopee, Wards 1, } { 2, 3, 4, 5, 6, 7, . } | Eugene J. O'Neil, . | Chicopee. |
| 6th, | { Springfield, Wards } { 1, 4, 8, . . . } | Frederick H. Gillett, John W. Adams, . | Springfield. Springfield. |
| 7th, | Springfield, Ward 5, | Edwin F. Lyford, . | Springfield. |
| 8th, | { Springfield, Wards } { 2, 3, 6, 7, . . . } | John A. Driscoll, . Edward S. Brewer, . | Springfield. Springfield. |
| 9th, | { Longmeadow, . . . } { Hampden, . . . } { Wilbraham, . . . } { Monson, . . . } { Wales, . . . } | Sumner Smith, . | Hampden. |
| 10th, | { Ludlow, . . . } { Palmer, . . . } { Brimfield, . . . } { Holland, . . . } | Hiram E. W. Clark, . | Palmer. |

COUNTY OF FRANKLIN.

| | | | |
|------|--|--------------------|------------|
| 1st, | { Greenfield, . . . } { Shelburne . . . } { Bernardston, . . . } | George W. Jenks, . | Shelburne. |
|------|--|--------------------|------------|

HOUSE OF REPRESENTATIVES.

665

COUNTY OF FRANKLIN — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|-------------------------|-------------|
| 2d, | { Warwick, . . . } { Orange, . . . } { New Salem, . . . } { Erving, . . . } { Shutesbury, . . . } | Wm. H. Hemenway, | Shutesbury. |
| 3d, | { Northfield, . . . } { Gill, . . . } { Montague, . . . } { Wendell, . . . } | Henry D. Bardwell, . | Montague. |
| 4th, | { Leverett, . . . } { Sunderland, . . . } { Whately, . . . } { Deerfield, . . . } { Conway, . . . } | Horace E. Miller,* . | Conway. |
| 5th, | { Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Hawley, . . . } { Heath, . . . } { Leyden, . . . } { Rowe, . . . } { Monroe, . . . } | Ransom W. Gillett, . | Heath. |

COUNTY OF BERKSHIRE.

| | | | |
|------|---|--|-----------------------------|
| 1st, | { New Ashford, . . . } { Williamstown, . . . } { North Adams, . . . } { Florida, . . . } { Clarksburg, . . . } | Gilbert L. Jewett, . William W. Gallup, | North Adams. Clarksburg. |
| 2d, | { Adams, . . . } { Cheshire, . . . } { Savoy, . . . } | Franklin C. Bourne, | Savoy. |
| 3d, | { Hancock, . . . } { Lanesborough, . . . } { Lenox, . . . } { Windsor, . . . } { Peru, . . . } { Hinsdale, . . . } { Washington, . . . } { Richmond, . . . } | Edgar E. Jordan, . | Windsor. |

* Deceased June 12.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|---|----------------------------|
| 4th, | { Pittsfield, Wards 1, . 2, 3, 4, 5, 6, 7, . Dalton, } | Franklin F. Reed, . Roland E. Burbank, . | Pittsfield. Pittsfield. |
| 5th, | { Stockbridge, . . . Lee, Becket, } | Anson Buck, . . . | Stockbridge. |
| 6th, | { West Stockbridge, . Alford, Egremont, . . . Great Barrington, . } | John N. Easland, . | G. Barrington. |
| 7th, | { Monterey, . . . Otis, Sandisfield, . . . New Marlborough, . Sheffield, . . . Mt. Washington, . Tyringham, . . . } | Charles H. Hale, . | Tyringham. |

COUNTY OF NORFOLK.

| | | | |
|------|---|--|---------------------------------|
| 1st, | { Dedham, Norwood, . . . } | George S. Winslow, | Norwood. |
| 2d, | Brookline, . . . | Jacob P. Bates, . | Brookline. |
| 3d, | Hyde Park, . . . | Wilbur H. Powers, . | Hyde Park. |
| 4th, | { Milton, Canton, } | George R. R. Rivers, | Milton. |
| 5th, | { Quincy, Wards 1, 2, . 3, 4, 5, 6, . . . Weymouth, . . . } | John R. Graham, . James F. Burke, . Zechariah L. Bicknell, | Quincy. Quincy. Weymouth. |
| 6th, | { Braintree, . . . Holbrook, . . . } | B. Herbert Woodsum, | Braintree. |
| 7th, | { Randolph, Stoughton, . . . Avon, Sharon, Walpole, } | Robert P. Capen, . Timothy F. Quinn, . | Stoughton. Sharon. |
| 8th, | { Franklin, Foxborough, . . . Wrentham, . . . Bellingham, . . . Medway, Norfolk, } | Amos P. Woodward, Henry E. Ruggles, . | Franklin. Franklin. |

HOUSE OF REPRESENTATIVES.

667

COUNTY OF NORFOLK — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|-------------------------|------------|
| 9th, | { Needham, . . . Dover, . . . Medfield, . . . Wellesley, . . . Millis, . . . } | Nathan F. Harding, | Medfield. |

COUNTY OF PLYMOUTH.

| | | | |
|-------|---|-----------------------|-----------------|
| 1st, | Plymouth, . . . | Edward B. Atwood, | Plymouth. |
| 2d, | { Marshfield, . . . Plympton, . . . Kingston, . . . Duxbury, . . . } | E. Elbridge Atwood, | Kingston. |
| 3d, | { Scituate, . . . Norwell, . . . Hanson, . . . Pembroke, . . . } | Thomas Barstow, . | Norwell. |
| 4th, | { Cohasset, . . . Hingham, . . . Hull, . . . } | Amos A. Lawrence, . | Cohasset. |
| 5th, | { Rockland, . . . Hanover, . . . } | Joshua S. Gray, . | Rockland. |
| 6th, | { Whitman, . . . Abington, . . . } | Jerem'h T. Richmond, | Abington. |
| 7th, | { Mattapoisett, . . . Marion, . . . Wareham, . . . Rochester, . . . Carver, . . . } | Hiram W. Barrows, | Wareham. |
| 8th, | { Middleborough, . . . Lakeville, . . . Halifax, . . . } | George L. Soule, . | Middleborough. |
| 9th, | { Bridgewater, . . . East Bridgewater, . . . West Bridgewater, . . . } | George C. Howard, . | W. Bridgewater. |
| 10th, | { Brockton, Wards 4, . . . 5, 6, . . . } | George H. Garfield, . | Brockton. |
| 11th, | { Brockton, Wards 2, . . . 3, . . . } | Emery M. Low, . | Brockton. |
| 12th, | { Brockton, Wards 1, . . . 7, . . . } | David W. Battles, . | Brockton. |

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|--|---|---|
| 1st, | { Attleborough, . . } N. Attleborough, . . } Norton, . . . } Seekonk, . . . } | Everett S. Horton, . Andrew H. Sweet, . | Attleborough. Norton. |
| 2d, | { Mansfield, . . } Easton, . . . } Raynham, . . . } | Stephen R. Lincoln, | Raynham. |
| 3d, | { Taunton, Wards 1, } 2, 3, 4, 5, 6, 7, 8, . } Berkley, . . . } | George A. Crane, . George P. Cutler, . J. Lewis Austin, . | Taunton. Taunton. Taunton. |
| 4th, | { Fairhaven, . . } Acushnet, . . . } Freetown, . . . } | Silas P. Richmond, . | Freetown. |
| 5th, | { New Bedford, W'ds } 1, 2, 3, . . . } | Benjamin B. Barney, Samuel Ross, . . . | New Bedford. New Bedford. |
| 6th, | { New Bedford, W'ds } 4, 5, 6, . . . } | George F. Tucker, . Frank W. Francis, . | New Bedford. New Bedford. |
| 7th, | { Westport, . . } Dartmouth, . . . } | James E. Allen, . | Dartmouth. |
| 8th, | { Fall River, Wards } 1, 2, 3, 4, 6, . . } | Patrick B. Luby, . Edw. J. Heffernan, . Francis Connolly, . | Fall River. Fall River. Fall River. |
| 9th, | { Fall River, Wards } 5, 7, 8, 9, . . . } | Patrick Delaney, . Michael F. Sullivan, | Fall River. Fall River. |
| 10th, | { Dighton, . . } Somerset, . . . } Swanzey, . . . } Rehoboth, . . . } | William Luther, . | Somerset. |

COUNTY OF BARNSTABLE.

| | | | |
|------|--|---|--------------------------|
| 1st, | { Falmouth, . . } Bourne, . . . } Sandwich, . . . } Mashpee, . . . } Barnstable, . . . } Yarmouth, . . . } Dennis, . . . } | Charles H. Nye, . Elkanah Crowell, . | Barnstable. Yarmouth. |
|------|--|---|--------------------------|

HOUSE OF REPRESENTATIVES.

669

COUNTY OF BARNSTABLE — CONCLUDED.

| District. | Town or Ward. | Name of Representative. | Residence. |
|-----------|---|-------------------------|------------|
| 2d, | { Harwich, . . . Chatham, . . . Brewster, . . . Orleans, . . . } | Osborn Nickerson, . | Chatham. |
| 3d, | { Eastham, . . . Wellfleet, . . . Truro, . . . Provincetown, . . } | Robert B. Jenkins, . | Wellfleet. |

COUNTY OF DUKES COUNTY.

| | | | |
|------|---|--------------------|----------|
| 1st, | { Chilmark, . . . Cottage City, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . } | Ulysses E. Mayhew, | Tisbury. |
|------|---|--------------------|----------|

COUNTY OF NANTUCKET.

| | | | |
|------|------------------|--------------------|------------|
| 1st, | Nantucket, . . . | Arthur H. Gardner, | Nantucket. |
|------|------------------|--------------------|------------|

EDWARD A. McLAUGHLIN, . . . Clerk.
DANIEL W. WALDRON, . . . Chaplain.
JOHN G. B. ADAMS, . . . Sergeant-at-Arms.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

WALBRIDGE A. FIELD, of Boston.

ASSOCIATE JUSTICES.

CHARLES ALLEN, of Boston.
 OLIVER WENDELL HOLMES, JR., of Boston.
 MARCUS P. KNOWLTON, of Springfield.
 JAMES M. MORTON, of Fall River.
 JOHN LATHROP, of Boston.
 JAMES MADISON BARKER, of Pittsfield.

SUPERIOR COURT.

CHIEF JUSTICE.

ALBERT MASON, of Brookline.

ASSOCIATE JUSTICES.

P. EMORY ALDRICH, of Worcester.
 CALEB BLODGETT, of Boston.
 CHARLES P. THOMPSON, of Gloucester.
 JOHN W. HAMMOND, of Cambridge.
 JUSTIN DEWEY, of Springfield.
 EDGAR J. SHERMAN, of Lawrence.
 JAMES R. DUNBAR, of Brookline.
 ROBERT R. BISHOP, of Newton.
 HENRY K. BRALEY, of Fall River.
 DANIEL W. BOND, of Northampton.
 JOHN HOPKINS, of Millbury.
 ELISHA BURR MAYNARD, of Springfield.
 FRANKLIN G. FESSENDEN, of Greenfield.
 JOHN W. CORCORAN, of Clinton.
 JAMES B. RICHARDSON, of Boston.

JUDGES OF PROBATE AND INSOLVENCY.

| | | |
|---------------------------------------|-------|-------------|
| JOHN W. McKIM, Boston, | . . . | SUFFOLK. |
| ROLLIN E. HARMON, Lynn, | . . . | ESSEX. |
| GEORGE M. BROOKS, Concord, | . . . | MIDDLESEX. |
| WILLIAM T. FORBES, Westborough, | . . . | WORCESTER. |
| WILLIAM G. BASSETT, Northampton, | . . . | HAMPSHIRE. |
| WILLIAM S. SHURTLEFF, Springfield, | . . . | HAMPDEN. |
| CHESTER C. CONANT, Greenfield, | . . . | FRANKLIN. |
| JAMES T. ROBINSON, North Adams, | . . . | BERKSHIRE. |
| GEORGE WHITE, Wellesley, | . . . | NORFOLK. |
| BENJAMIN W. HARRIS, East Bridgewater, | . . . | PLYMOUTH. |
| WILLIAM E. FULLER, Taunton, | . . . | BRISTOL. |
| HIRAM P. HARRIMAN, Wellfleet, | . . . | BARNSTABLE. |
| JOSEPH T. PEASE, Edgartown, | . . . | DUKES. |
| THADDEUS C. DEFRIEZ, Nantucket, | . . . | NANTUCKET. |

REGISTERS OF PROBATE AND INSOLVENCY.

| | | |
|-----------------------------------|-------|-------------|
| ELIJAH GEORGE, Boston, | . . . | SUFFOLK. |
| JEREMIAH T. MAHONEY, Salem, | . . . | ESSEX. |
| SAMUEL H. FOLSOM,* Winchester, | . . . | MIDDLESEX. |
| FREDERIC W. SOUTHWICK, Worcester, | . . . | WORCESTER. |
| HUBBARD M. ABBOTT, Northampton, | . . . | HAMPSHIRE. |
| SAMUEL B. SPOONER, Springfield, | . . . | HAMPDEN. |
| FRANCIS M. THOMPSON, Greenfield, | . . . | FRANKLIN. |
| EDWARD T. SLOCUM, Pittsfield, | . . . | BERKSHIRE. |
| JONATHAN COBB, Dedham, | . . . | NORFOLK. |
| JOHN C. SULLIVAN, Middleborough, | . . . | PLYMOUTH. |
| JOHN H. GALLIGAN, Taunton, | . . . | BRISTOL. |
| FREEMAN H. LOTHROP, Barnstable, | . . . | BARNSTABLE. |
| BERIAH T. HILLMAN, Chilmark, | . . . | DUKES. |
| BENJAMIN F. BROWN, Nantucket, | . . . | NANTUCKET. |

DISTRICT ATTORNEYS.

| | | |
|---------------------------------|-------|---------------|
| OLIVER STEVENS, Boston, | . . . | SUFFOLK. |
| PATRICK H. COONEY, Natick, | . . . | NORTHERN. |
| WILLIAM H. MOODY, Haverhill, | . . . | EASTERN. |
| HARVEY H. PRATT, Abington, | . . . | SOUTHEASTERN. |
| HOSEA M. KNOWLTON, New Bedford, | . . . | SOUTHERN. |
| FRANCIS A. GASKILL, Worcester, | . . . | MIDDLE. |
| CHARLES E. HIBBARD, Pittsfield, | . . . | WESTERN. |
| JOHN A. AIKEN, Greenfield, | . . . | NORTHWESTERN. |

* Appointed to fill vacancy caused by the decease of Joseph H. Tyler.

JUDICIAL DEPARTMENT.

SHERIFFS.

| | |
|--|-------------|
| JOHN B. O'BRIEN, Boston, | SUFFOLK. |
| HORATIO G. HERRICK, Lawrence, | ESSEX. |
| HENRY G. CUSHING, Lowell, | MIDDLESEX. |
| SAMUEL D. NYE, Worcester, | WORCESTER. |
| JAIRUS E. CLARK, Northampton, | HAMPSHIRE. |
| SIMON BROOKS, Springfield, | HAMPDEN. |
| GEORGE A. KIMBALL, Greenfield, | FRANKLIN. |
| JOHN CROSBY, Pittsfield, | BERKSHIRE. |
| AUGUSTUS B. ENDICOTT, Dedham, | NORFOLK. |
| ALPHEUS K. HARMON, Plymouth, | PLYMOUTH. |
| ANDREW R. WRIGHT, Taunton, | BRISTOL. |
| JOSEPH WHITCOMB, Provincetown, | BARNSTABLE. |
| JASON L. DEXTER, Edgartown, | DUKES. |
| JOSIAH F. BARRETT, Nantucket, | NANTUCKET. |

CLERKS OF COURTS.

| | |
|--|-------------|
| HENRY A. CLAPP, Boston, Clerk of the Supreme Judicial Court for the Commonwealth. | |
| JOHN NOBLE, Boston, Supreme Judicial Court, | SUFFOLK. |
| JOSEPH A. WILLARD, Boston, Sup. Ct. Civil Bus., } | SUFFOLK. |
| JOHN P. MANNING, Boston, Sup Ct. Crim. Bus., } | |
| DEAN PEABODY, Lynn, | ESSEX. |
| THEODORE C. HURD, Cambridge, | MIDDLESEX. |
| THEODORE S. JOHNSON, Worcester, | WORCESTER. |
| WILLIAM H. CLAPP, Northampton, | HAMPSHIRE. |
| ROBERT O. MORRIS, Springfield, | HAMPDEN. |
| EDWARD E. LYMAN, Greenfield, | FRANKLIN. |
| HENRY W. TAFT, Pittsfield, | BERKSHIRE. |
| ERASTUS WORTHINGTON, Dedham, | NORFOLK. |
| EDWARD E. HOBART, Bridgewater, | PLYMOUTH. |
| SIMEON BORDEN, Fall River, | BRISTOL. |
| SMITH K. HOPKINS, Barnstable, | BARNSTABLE. |
| SAMUEL KENISTON, Edgartown, | DUKES. |
| JOSIAH F. MURPHEY, Nantucket, | NANTUCKET. |

MEMBERS OF THE FIFTY-SECOND CONGRESS.

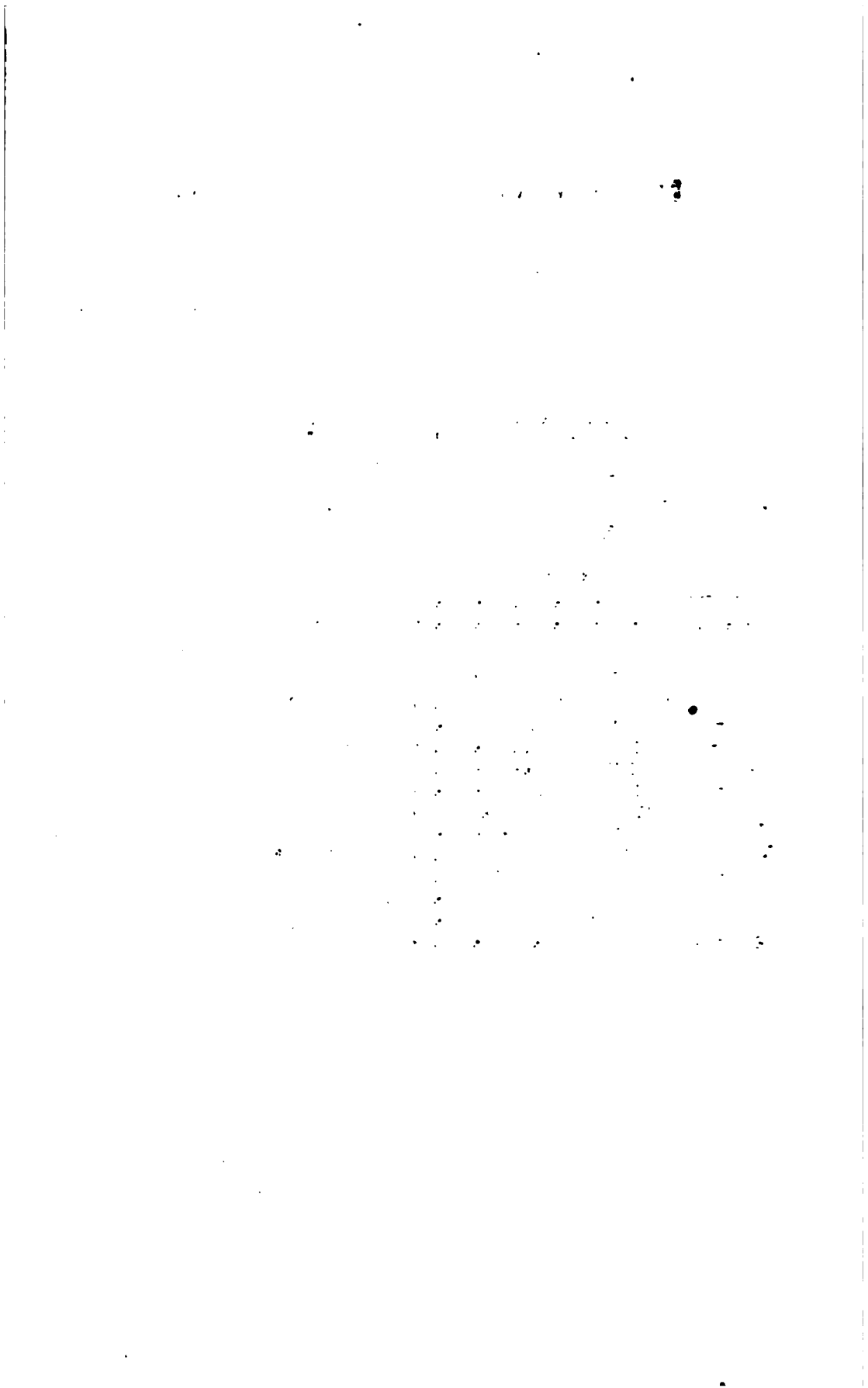
[Congressional Districts established by Cháp. 253, Acts of 1882.]

SENATORS.

HENRY L. DAWES, of *Pittsfield*.
GEORGE F. HOAR, of *Worcester*.

REPRESENTATIVES.

DISTRICT I.—CHARLES S. RANDALL, . . . of *New Bedford*.
II.—ELIJAH A. MORSE, . . . of *Canton*.
III.—JOHN F. ANDREW, . . . of *Boston*.
IV.—JOSEPH H. O'NEIL, . . . of *Boston*.
V.—SHERMAN HOAR, . . . of *Waltham*.
VI.—HENRY CABOT LODGE, . . of *Nahant*.
VII.—WILLIAM COGSWELL, . . of *Salem*.
VIII.—MOSES T. STEVENS, . . of *North Andover*.
IX.—GEORGE FRED WILLIAMS, . of *Dedham*.
X.—JOSEPH H. WALKER, . . of *Worcester*.
XI.—FREDERIC S. COOLIDGE, . of *Ashburnham*.
XII.—JOHN C. CROSBY, . . . of *Pittsfield*.



APPENDIX.

The following tables have been prepared by Fisher Ames, Esq., appointed to that duty under chapter 238 of the Acts of 1882, which directs the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."

TABLES

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION.

I.

CHANGES IN THE "PUBLIC STATUTES."

Chapter 1. — Of the Jurisdiction of the Commonwealth and Places ceded to the United States.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and Rhode Island. St. 1883, 113, 154. And between Massachusetts and New Hampshire. Res. 1885, 73; 1886, 58; 1891, 70.

SECT. 3. A part of Gallop's island in Boston harbor is added. St. 1889, 27. And certain lands in Winthrop. St. 1891, 81.

SECT. 4. Lands for the use of the United States fish and fisheries commission added. St. 1882, 131.

Chapter 2. — Of the General Court.

The employment of legislative counsel and agents is regulated and provision made for returns of the expenses therefor. Sts. 1890, 456; 1891, 223.

SECT. 5 *et seq.* Manner of publishing notice and presenting petitions changed in certain cases. Sts. 1885, 24; 1890, 302.

SECTS. 15, 16. Compensation of members changed. The issuing to or acceptance by them of free railroad passes is forbidden. St. 1892, 59. (See 1884, 319; 1886, 352.)

SECTS. 17, 18. Compensation of door-keepers, messengers, postmaster and pages fixed. St. 1887, 116. (See 1882, 257. Res. 1892, 99.)

SECTS. 21, 22. Clerks' salaries fixed and allowance made for clerical assistance. Sts. 1882, 257; 1884, 329, 334; 1888, 1.

SECTS. 24, 35 repealed. St. 1884, 60.

SECT. 27. Number of door-keepers, etc., increased. St. 1882, 257, § 4.

SECT. 32. Publication and posting of proposed amendments to the constitution provided for. St. 1892, 124.

SECT. 34. When Christmas falls on Sunday, the following Monday is a holiday. St. 1882, 49.

A commission is established to promote uniformity of legislation in the United States. St. 1891, 405.

Chapter 3.—Of the Statutes.

SECT. 1. When an act is to be voted on for acceptance by a municipal or other corporation, a return of the vote must be made to the secretary of the Commonwealth. St. 1888, 100.

SECT. 3. Words "mayor and aldermen" defined. St. 1882, 164.

"Net indebtedness" of towns, cities and districts defined. St. 1883, 127.

Legal notices may be published in a periodical devoted exclusively to legal news. St. 1885, 235.

Chapter 4.—Of the Printing and Distribution of the Laws and Public Documents.

Tables of changes in the general statutes, and indexes, to be prepared and published. St. 1882, 238. And supplements to the Public Statutes. St. 1888, 383. (See Res. 1891, 60.)

Provision made for a compilation of a history of the part taken by Massachusetts soldiers and sailors in the war of the rebellion. St. 1889, 374; 1891, 235. (See Res. 1892, 67.) And in the revolutionary war. St. 1891, 100.

This chapter is revised. St. 1889, 440. (See 1883, 55; 1884, 166; 1885, 369; 1888, 23, 85, 122, 186, 191, 256; 1889, 32, 35, 124, 150, 164, 212. Res. 1889, 13, 18; 1892, 31, 46, 62, 88.)

Subsequent changes in reports, etc.: Arbitration; St. 1891, 191. County accounts; 1891, 292. Registration in dentistry; 1891, 76. Foreign mortgage corporations; 1890, 50. Manual of general court; 1891, 292. Statistics of labor; 1890, 97. Statistics of manufactures; 1891, 193. Metropolitan sewerage; 1891, 292. Superintendent of prisons; 1891, 292. Savings banks; 1890, 126. (See Res. 1892, 103.) Registrars of voters; 1890, 223.

Map of congressional districts. Res. 1892, 46.

Express and postage on documents forwarded to members of the general court are to be paid by the Commonwealth. St. 1889, 53. And on State publications sent to free public libraries. St. 1892, 422.

SECT. 5 *et seq.* Provision made for reports of capital cases. St. 1886, 214.

SECT. 7. "Of labor" is added after "bureau of statistics." St. 1882, 6.

SECT. 9. Provision made for publication of election cases. Res. 1886, 36.

Contract for State printing provided for. Res. 1892, 90. (See Res. 1887, 16.)

SECT. 10 amended. St. 1882, 158.

SECT. 12. Provision for distributing the "Index digest." St. 1887, 118.

Chapter 5.—Of the State House, the Sergeant-at-Arms and State Library.

Additional accommodations are provided for. Sts. 1882, 262; 1888, 349; 1889, 300, 394. Res. 1891, 21, 25; 1892, 34, 96.

SECTS. 4, 6, 9, 10. The duties of the sergeant-at-arms are revised, certain appointees designated and salaries fixed, and the charge of certain buildings and repairs provided for. St. 1887, 128. (See 1884, 14, 333.)

The sergeant-at-arms shall keep dockets of legislative counsel and agents. St. 1890, 456, § 2.

SECT. 12 is revised. Contingent expenses of the council and officers in the State house are omitted. St. 1887, 128.

SECT. 15 *et seq.* The trustees and librarian are authorized to prepare an index of current events. St. 1892, 140.

SECT. 17. Salary of assistant librarian and clerk of the board increased. St. 1892, 287. (See 1887, 209.)

SECT. 18. Additional allowance made for assistance in State library. St. 1891, 24. (See 1882, 29; 1886, 66.)

SECT. 20. Appropriation for books, furniture, etc., increased. Sts. 1882, 196; 1888, 24.

Chapter 6.—Of the Qualification and Registration of Voters.

This chapter is revised. St. 1892, 351. (See 1882, 247, 268; 1884, 298; 1885, 246, 271, § 6, 345, § 6; 1886, 68, 264; 1887, 249, 329, 432; 1888, 200; 1889, 69, 196, 337, § 1, 404; 1890, 423, §§ 2-65, 208; 1891, 242, 277, 286, 290, 395.)

The registration act applies to all cities or towns notwithstanding any special act. St. 1892, 351, § 48.

In prosecutions for violations of laws relating to qualification, registration, etc., of voters, the presumption is in favor of the regularity of the proceedings. St. 1890, 393.

SECT. 11. Provision made for better representation of political parties in boards of registrars. St. 1891, 395. (See 1887, 432; 1890, 423, § 18.)

SECT. 12. Registrars are to certify nomination papers. Sts. 1889, 413, § 4; 1890, 436. (See 1888, 436, § 4.)

SECT. 18. See St. 1888, 436, § 14; 1892, 124.

SECT. 19. See St. 1888, 436, § 10.

Chapter 7.—Of the Manner of Conducting Elections and Returning Votes.

This chapter repealed and revised. Sts. 1890, 423, §§ 66-145; 1891, 256, 277, 314, 328, 329; 1892, 51, 124, 190, 224, 280, 316, 332, 367, 405, 431. (See 1882, 28, 74, 260; 1883, 49, 229; 1884, 299; 1885, 220, 248, 268, 351; 1886, 49, 262, 264; 1887, 272, 371; 1888, 146, 164, 203, 436; 1890, 175, 219, 223.)

The Australian system, so called, of printing and distributing ballots and voting, is adopted. Sts. 1888, 436; 1889, 413; 1890, 386, 436; 1891,

10, 31, 74, 155, 238, 269, 270, 278, 305; 1892, 279, 316, 367. (See 1882, 28, 74, 260; 1884, 299; 1885, 142, 248; 1886, 49; 1888, 353.)

Ballot law commission established. St. 1892, 406. (See 1889, 413, § 7; 1890, 436, § 5; 1891, 270.)

Election officers in cities are to be appointed in September. St. 1891, 256.

Supervisors of elections provided for. St. 1891, 264. (See 1884, 299, § 9; 1885, 268; 1886, 264, § 14; 1891, 256.)

Provision to prevent corrupt practices and for publicity of expenses in elections. St. 1892, 416.

Caucuses are regulated. St. 1888, 441. (See 1888, 436, §§ 2-9.)

Provision to protect candidates against anonymous circulars and posters. St. 1890, 381.

Provision for new commissioners of appeals, and for objections to and withdrawals of nominations. Sts. 1890, 436; 1891, 155, 278.

Hour of opening polls fixed. St. 1891, 314.

A voter needing assistance may require it of an election officer of a particular party. St. 1891, 238. (See 1886, 436, § 25.)

A uniform system of canvassing and counting ballots, and forms and apparatus, are provided for. St. 1891, 328; 1892, 224, 431. (See 1882, 28; 1883, 42; 1884, 299; 1885, 108, 262; 1886, 262, 264; 1888, 164.)

Giving information, except as required by law, as to a challenged ballot is made an offence. St. 1892, 332. And fraudulent marking of ballots. St. 1892, 367.

Provision made for examination and correction of returns of election officers in towns divided into voting precincts. St. 1892, 190, 224. (See 1890, 423, §§ 72, 95; 1891, 328.)

Reckoning time under election laws regulated. St. 1891, 74, § 1.

Care, custody and repair of State ballot boxes to be under direction of secretary of the Commonwealth. St. 1891, 329, § 1.

In prosecutions for violations of election laws, the presumption is in favor of the regularity of official proceedings. St. 1890, 393.

Chapter 8.—Of the Election of Governor and other State Officers.

This chapter is revised. St. 1890, 423, §§ 146-164. (See 1884, 299; 1885, 107; 1886, 262.)

New districts are established: Councillor. St. 1886, 348. Senatorial. St. 1886, 338. Representative. St. 1886, 256.

Chapter 9.—Of the Election of Representatives in Congress and Electors of President and Vice-President.

This chapter is revised. Sts. 1890, 423, §§ 165-187; 1892, 279. (See 1888, 382.)

New congressional districts established. The requirement of residence in the district is omitted. St. 1891, 396. (See 1882, 253.)

Chapter 10.—Of the Election of District and County Officers.

This chapter is revised. Sts. 1890, 423, §§ 188-207; 1892, 115.

Method of filling vacancy in office of county commissioners established. St. 1892, 115.

Chapter 11. — Of the Assessment of Taxes.

Provision is made for a State tax on certain collateral successions and grants. Sts. 1891, 425; 1892, 379.

Polls and estates established as a basis for apportionment of State and county taxes. St. 1892, 96. (See 1883, 71; 1886, 73; 1889, 103.)

The rate of taxation is limited in cities. Sts. 1885, 312, § 1; 1887, 281. (See 1885, 178, 281; 1892, 45.)

The assessors may divide any ward in a city into convenient assessment districts. St. 1889, 115.

They must print and distribute in cities and certain towns, and post in other towns, lists of voters and polls. St. 1892, 351, §§ 7-10. (See 1884, 298, § 19; 1888, 206; 1889, 404, § 1; 1890, 305, 423, §§ 25, 26; 1891, 277.)

SECT. 4. "Or indebtedness" substituted for "due" in sixth line. St. 1882, 76. Words "this proviso shall apply to corporations mentioned in Pub. St., ch. 13, § 46," added. St. 1887, 228.

Railroad bonds are made taxable. St. 1888, 363.

Personal property leased for profit is made taxable, where situate, to the owner or person having possession. St. 1889, 446.

SECT. 5, Cl. 3, is revised. Certain societies and associations are added. St. 1889, 465. (See 1882, 217; 1886, 231; 1888, 158.)

Cl. 9. Certain real estate of unincorporated horticultural societies is exempted. St. 1884, 176.

Cl. 10. It does not affect the exemption that the property is owned in common with others. St. 1885, 169.

Cl. 12. See St. 1884, 298, § 7.

SECT. 10. The provisions of this section are extended. St. 1891, 116. (See 1887, 373; 1889, 286.)

SECT. 13. The person appearing as the owner of record is to be held to be the true owner even though deceased. St. 1889, 84.

SECT. 14 amended. "Taxable real estate," in first line, changed to "real estate not exempt from taxation under section five of this chapter." St. 1882, 175.

SECTS. 14-16. See St. 1888, 390, §§ 30, 63.

SECT. 20. Provision made for assessment of personal property held by an assignee in insolvency, or for creditors; and of personal property held by joint owners or tenants in common and partners. St. 1882, 165.

Royalty-paying machines are assessable. St. 1887, 125.

Cl. 6. See St. 1888, 390, § 26.

Cl. 7. See St. 1891, 425.

SECT. 31. See St. 1892, 280.

SECT. 31 *et seq.* Rate of taxation in cities limited. St. 1885, 312. (See 1885, 178, 281; 1892, 45.)

SECT. 34. See St. 1882, 133.

SECT. 38. Returns of mortgages of real estate provided for. St. 1882, 175, § 1. And of property held for literary, benevolent, charitable or scientific purposes. Sts. 1882, 217; 1888, 323.

SECT. 38 *et seq.* Time for applications to be assessed extended. Evening sessions of assessors provided for. Sts. 1884, 298; 1888, 200.

SECT. 39 amended. St. 1891, 381.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, 226.

SECT. 50. Provision for free access to lists of valuation and assessment. St. 1888, 307.

SECT. 52. Table of aggregates to be deposited every year and new items included. St. 1887, 86. (See 1886, 56.)

SECT. 53. "Names and residences of persons assessed" to be given in column one. St. 1883, 41.

Correction of errors in names on tax bills provided for. Sts. 1884, 298, § 26; 1889, 404, § 1.

SECT. 54 is revised, and new items of return added. Sts. 1890, 242; 1891, 65. (See 1885, 106; 1886, 56; 1887, 86.)

SECTS. 54, 55. Returns and copies of assessors' books to be deposited with secretary of the Commonwealth every third year; copy of table of aggregates every year. St. 1883, 91.

SECT. 61. Assessors to certify amount assessed upon each poll as State and county tax respectively. St. 1889, 467, § 1.

SECT. 69. Tenants under obligation to pay taxes may apply for abatement. St. 1888, 315.

SECTS. 69-77. Appeal may be made to superior court. St. 1890, 127.

SECT. 71. Provision for costs on appeals. St. 1882, 218. (See 1890, 127, § 7.)

SECT. 73. See Sts. 1884, 298, § 11; 1888, 200, § 1.

SECT. 77. Dues or taxes for school books may be abated under this section. St. 1885, 67.

SECT. 78. Time for assessing omitted taxes extended in certain cases. Sts. 1886, 85; 1888, 362.

SECT. 90. Assessors must send to tax commissioner all lists and statements received of exempt property. St. 1882, 217, § 3.

SECT. 91. Amount of sinking funds or proportionate annual payments of debts must be given. St. 1882, 133, § 2.

SECT. 92. As to Boston, see St. 1882, 252, § 5.

SECT. 93. Apportionment of State and county taxes is to be stated on tax bills of males assessed for poll-tax only, and they are not entitled to a certificate under this section. St. 1889, 467, § 2. (See 1884, 298, § 8.)

SECTS. 96, 97. For apportionments, see Sts. 1883, 71; 1886, 73; 1889, 103; 1892, 96.

Chapter 12. — Of the Collection of Taxes.

This chapter is repealed and the law as to the collection of taxes revised and codified. Sts. 1888, 390; 1889, 253, 334; 1890, 331; 1891, 288; 1892, 109, 168, 370. (See 1882, 243; 1883, 101; 1884, 162, 242; 1886, 320; 1887, 110, 142.)

The service of process in the collection of taxes is regulated. St. 1892, 168.

Provision made for preservation of accounts, papers and records relating to assessment and collection of taxes. St. 1892, 370.

State treasurer may sue to recover the State legacy and succession tax. St. 1891, 425, § 18.

Provision made for counsel to defend suits to recover a national bank tax paid to a city or town. St. 1886, 332.

Chapter 13.—Of the Taxation of Corporations.

Office of deputy tax commissioner abolished and that of tax commissioner established; the duties defined and salary fixed. Sts. 1890, 160; 1891, 233. (See 1882, 217, § 3, 252, § 5; 1887, 214, § 94, 342, § 1.)

Provision made for counsel to defend suits to recover a national bank tax paid to a city or town. St. 1886, 332.

SECT. 2. Salaries of clerks fixed and allowance made for clerical assistance. Sts. 1887, 342, § 2; 1891, 342.

SECT. 6. See St. 1882, 217, § 3, 252, § 5.

SECTS. 17, 40. Title insurance companies are to be taxed under these sections. Sts. 1884, 180; 1887, 214, § 64.

SECT. 20. The exemption is extended. (See ch. 116, § 20, cl. 8.) St. 1883, 248. (See 1886, 77.)

SECTS. 20, 22. Provision for repayment of tax on real estate used for banking purposes. Sts. 1890, 406; 1891, 171.

SECT. 24 repealed. Name changed to "co-operative bank." St. 1885, 121, § 3.

The capital stock, franchises and personal estate, but not the real estate, of co-operative banks are exempted. St. 1890, 63.

SECT. 25 *et seq.* The provisions as to the taxation of insurance companies are revised. Sts. 1887, 214, §§ 19, 61, 283; 1890, 197; 1892, 129.

SECTS. 26, 34, 37 are amended. Sts. 1887, 283; 1890, 197; 1892, 129.

SECT. 33 amended. When reinsurance is effected otherwise than by licensed resident agent no deduction is to be made for sums paid therefor. St. 1888, 154. (See 1887, 214; 1890, 197; 1892, 129.)

SECTS. 38-40. Telephone companies are to be taxed under these sections. Sts. 1885, 238; 1886, 270.

SECTS. 40, 52, 53, 54, 57, 58, 59. Taxation of safe deposit, loan and trust companies regulated. St. 1888, 413, §§ 21-24.

SECT. 43. Taxation of foreign mining, quarrying, land and oil companies regulated. Sts. 1882, 106; 1883, 74; 1884, 330; 1886, 230.

SECT. 46. Corporations mentioned in this section are within the proviso of ch. 11, § 4, as to local taxation. St. 1887, 228.

SECTS. 61, 62. Appeal may be made to superior court. St. 1890, 127.

Chapter 14.—Of the Militia.

This chapter is repealed and the militia laws revised. Sts. 1887, 411; 1889, 360; 1890, 425; 1891, 232; 1892, 238, 366. (See 1882, 97, 154, § 11, 178, 179; 1884, 45, 230; 1885, 147, 236; 1886, 63, 105; 1888, 366, 384; Res. 1882, 115.)

A naval brigade is established. St. 1892, 366. (See 1888, 366.)

Provision made for armories in cities. St. 1888, 384. (See 1892, 134.)

The law defining what bodies of men may parade with arms is revised. St. 1890, 425, § 10.

Provision is made for appointment of a State military and naval historian. Sts. 1889, 374; 1891, 235. And for a compilation of records of the revolutionary war. Res. 1891, 100.

Chapter 15.—Of the Executive Department and the Secretary of the Commonwealth.

SECTS. 1-10. Salaries fixed: Governor; St. 1892, 101. (See 1884, 328.) Governor's private secretary and executive clerk; St. 1891, 411. (See 1884, 8; 1885, 77; 1887, 83.) Executive messenger; 1891, 429. (See 1884, 38; 1887, 221.) Stenographer; 1892, 16. Secretary of the Commonwealth; 1888, 385. (See 1884, 79.) First and second clerks; 1891, 410. (See 1885, 87; 1886, 238.) Third clerk; 1887, 26. (See 1883, 48.) Allowance for messenger and clerk hire; 1890, 239. (See 1884, 15; 1889, 101.)

The secretary is required to give bond and make annual reports. St. 1892, 262.

SECT. 9. Certain duties are imposed on the secretary in regard to elections. Sts. 1888, 436, § 14; 1891, 328, 329; 1892, 417, § 18. And in regard to returns of medical examiners. St. 1885, 379, §§ 4-6. And in regard to proposed amendments to the constitution. St. 1892, 124, § 2.

SECT. 12. Form and device of the great seal established. St. 1885, 288.

SECT. 15 is repealed. Blank forms for returns are to be furnished by the commissioners of prisons. St. 1882, 226.

Chapter 16.—Of the Auditor, Treasurer, and Matters of Finance.

The par of exchange established by U. S. Rev. St., § 3565, is adopted. St. 1882, 110.

The accounts of certain State institutions are to be kept by the auditor. Sts. 1887, 87; 1891, 384.

Provision made for auditing accounts of county officers, officers of inferior courts and trial justices, and for returns and payments by them. Sts. 1887, 438; 1888, 275; 1890, 216, 306. (See 1886, 169.)

Provision made for an agent to prosecute claims of the Commonwealth against the United States. Res. 1883, 45.

Claims under Sts. 1862, 62; 1863, 254, to be filed with the auditor. St. 1882, 112.

Clerks of courts, justices of courts having no clerks, sheriffs, masters of jails, etc., must deposit public funds. St. 1890, 215.

SECT. 2. Salaries fixed: Auditor; St. 1889, 70. (See 1885, 195.) Clerks; St. 1891, 375. (See 1885, 195; 1887, 30; 1888, 432.)

SECT. 7. Time for auditor's report changed. St. 1884, 207.

SECT. 17. Clerks provided for and salaries of treasurer and clerks fixed. Sts. 1883, 164; 1885, 263; 1886, 38, 334; 1889, 349. (See 1882, 111; 1885, 15.)

Extra clerical assistance allowed for care of trust deposits to be assessed upon corporations, etc., making deposits. St. 1891, 233.

SECT. 18 superseded. St. 1890, 160.

SECTS. 19, 26, 60. Provision for management of surplus accumulations of sinking funds. St. 1891, 259.

Treasurer shall receive from the United States, and pay over, sums for the soldiers' home. St. 1890, 373.

SECT. 26. Annual financial estimates are to be made to the auditor. St. 1885, 41.

SECT. 28. Advances for small expenses and method of accounting therefor provided for. Sts. 1884, 179; 1887, 270, § 5, 438; 1888, 180, 322; 1890, 58; 1891, 54.

SECT. 42 repealed, and power of committees to cause hearings to be advertised limited. St. 1885, 371. (See 1885, 24.)

SECT. 52. Money from sales of public property must be accompanied by a sworn itemized account, approved by the proper officers. St. 1884, 326.

SECT. 53. Suits for collateral legacy and succession tax are to be brought by the treasurer. St. 1891, 425, § 18.

SECT. 55 extended to trust and safe deposit companies approved by the governor and council. St. 1891, 310.

SECT. 60. The authorized investments of State funds are enlarged. St. 1882, 130.

SECTS. 72, 73 repealed. 1887, 438, § 8. (See 1886, 169.)

Chapter 17. — Of the Attorney-General and the District Attorneys.

SECTS. 1, 2. A second assistant allowed. St. 1888, 425.

Salaries fixed. St. 1889, 402. (See 1886, 216.)

SECT. 8 extended. St. 1892, 159.

SECT. 9. Attorney-general may cause reports of capital cases to be published. St. 1886, 214.

SECT. 10. Allowance made for contingent expenses in civil cases in which the Commonwealth is interested. St. 1890, 388.

SECTS. 13-15. Salaries fixed and assistants allowed: Eastern district; Sts. 1882, 156, 157; 1888, 289. Middle; 1889, 250. (See 1885, 168.) Assistant; 1888, 157. Southern; 1892, 319. South-eastern; 1888, 267. Assistant; 1891, 113. Suffolk; 1887, 160. First assistant; 1892, 233. (See 1882, 245, § 2; 1887, 160.) Second assistant; 1887, 160. (See 1882, 245, § 2.) Clerk; 1889, 238. (See 1882, 245, § 2; 1887, 160.) Western; 1887, 97.

SECT. 16. Clerk of district attorney for south-eastern district may act as his assistant. St. 1888, 267, § 2.

Chapter 18. — Of Notaries Public and Commissioners to administer Oaths of Office and to take Acknowledgments of Deeds, etc.

SECT. 1. Notaries to have jurisdiction throughout and to be appointed for the Commonwealth. St. 1891, 38.

Women who are attorneys at law may be appointed special commissioners to administer oaths, take acknowledgments and depositions and summon witnesses. Sts. 1883, 252; 1889, 197. (See 1882, 139.)

SECT. 14. The oath may be taken before a United States minister or consul. St. 1885, 31.

Chapter 19. — Of the Board of Harbor and Land Commissioners.

Certain duties are imposed on the commissioners as to the removal of wrecks and obstructions in tide-waters. St. 1883, 260, §§ 1, 10.

SECT. 2. Custody of archives of Maine lands transferred to the secretary of the Commonwealth. St. 1883, 99.

SECT. 3. The commissioners have general care and supervision of the Connecticut river and of structures therein. Sts. 1885, 344; 1891, 266. (See 1882, 274; 1883, 183.)

They have the same charge of Commonwealth lands, not otherwise provided for, that they have of lands in tide-waters. St. 1886, 144.

They have supervision over great ponds. Licenses are restricted. St. 1888, 318.

SECT. 7. Regulations are established for Gloucester harbor; St. 1885, 315. Harbor lines are established for East Boston; St. 1882, 48. South Bay, Boston; 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109. Haverhill; 1883, 104.

SECT. 9 *et seq.* A license is required to dam a navigable stream or outlet of a great pond for cranberry culture. St. 1892, 55.

SECTS. 8, 10, 11, 12 apply to the Connecticut river. Sts. 1885, 344, §§ 2, 3; 1891, 266.

SECTS. 10-13, 16 apply to great ponds. St. 1888, 318, § 5.

Chapter 20. — Of the State Board of Agriculture.

An agricultural experiment station is established, and membership and duties of board of control prescribed. Sts. 1882, 212; 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333.

A dairy bureau is established, to consist of three members of the board of agriculture. Sts. 1891, 412; 1892, 139.

Provision is made for registration of pedigrees of horses. St. 1890, 334. And for punishing false registration or giving false pedigrees of horses, cattle, etc. St. 1887, 143; 1890, 334.

The agricultural college may receive moneys granted by the United States. St. 1889, 111. (See 1887, 212.)

The trustees of the college are allowed certain expenses. St. 1889, 45.

Provision is made for a bounty for sugar beets and sorghum cane. St. 1883, 189.

SECT. 4. Assistant secretary provided for. St. 1891, 412, § 6. Salaries fixed: Secretary; St. 1883, 184. Assistant; St. 1891, 412, § 6. Clerks; Sts. 1891, 300; 1892, 143. (See 1887, 245.)

Allowance made for clerical services and for lectures. St. 1884, 66.

SECTS. 5, 6. The board is authorized to collect and circulate information about abandoned farms. St. 1891, 280.

And to take measures to exterminate the "gypsy" moth. St. 1891, 210. (See 1890, 95.)

Chapter 21. — General Provisions relating to State Officers.

A civil service commission is established and appointments to service regulated. Sts. 1884, 320; 1887, 364, 437; 1888, 41, 253, 334; 1889, 177, 183, 351, 352, 473; 1891, 140.

Provision made for appointment of a State military and naval historian. Sts. 1889, 374; 1891, 235. And for a compilation of records of State soldiers and sailors in the revolutionary war. Res. 1891, 100.

SECT. 1. Tenure of office of officers appointed by governor and council regulated. St. 1887, 364.

SECT. 7. Official bonds must be examined yearly, and, if insufficient, renewed. St. 1885, 32.

SECT. 10. Treasurer's office hours regulated. St. 1886, 257.

Chapter 22.—Of Counties and County Commissioners.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 13. When the clerk is absent, commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198.

SECT. 14. Compensation fixed: Berkshire; St. 1890, 133. Bristol; 1889, 339. (See 1886, 251.) Essex; 1892, 354. (See 1885, 277.) Franklin; 1888, 65. Hampden; 1889, 30. Hampshire; 1887, 211. Middlesex; 1889, 303. (See 1885, 277.) Norfolk; 1892, 399. (See 1885, 277; 1891, 80.) Plymouth; 1892, 298. (See 1886, 251.) Worcester; 1891, 79. (See 1886, 251.)

SECT. 15. Meetings changed in Berkshire. St. 1883, 63.

SECT. 19. Oaths of treasurers and registers of deeds are to be recorded. St. 1890, 308.

SECT. 20. Commissioners may examine reservoirs and dams, and proceed under P. S., ch. 190, §§ 53-58. St. 1891, 315.

Provision made for certain expenses of inferior courts and justices. Sts. 1890, 440, § 11; 1891, 70, 325. And for rearranging, indexing and recording certain records and dockets when worn, mutilated or indistinct. Sts. 1891, 225; 1892, 253.

Orders drawn on county treasurers must be recorded, certified and accompanied by original vouchers. St. 1890, 206.

SECT. 26 is limited to regular commissioners and made applicable to issuing orders of notice. St. 1885, 91.

Chapter 23.—Of County Treasurers and County Finances.

SECT. 1. Record is to be made of oath of treasurer. St. 1890, 308.

SECT. 2. Salaries fixed: Berkshire; St. 1890, 133. (See 1889, 58.) Bristol; 1889, 16. Essex; 1886, 133. Hampden; 1884, 112. Hampshire; 1887, 159. Middlesex; 1887, 57. Norfolk; 1892, 295. (See 1890, 143.) Plymouth; 1889, 260. Worcester; 1886, 132.

Allowance for clerical assistance: Bristol; St. 1892, 144. Essex; 1889, 310. Middlesex; 1889, 85.

SECT. 6 *et seq.* Orders drawn by county commissioners must be recorded, certified and accompanied by original vouchers. St. 1890, 206. Provision is made for invoice books of supplies for county institutions. St. 1890, 296.

SECTS. 11, 20, 30. Treasurers are to make yearly report to commissioners of prisons of all sums received or paid on account of any jail or house of correction. St. 1891, 187. (See 1892, 438.)

SECT. 28. Examination and certification of treasurer's accounts regulated. St. 1890, 141, 380. (See 1887, 438; 1888, 275.)

SECT. 30 amended. Statement of receipts to be made to controller of county accounts. St. 1892, 430.

SECT. 32 repealed. St. 1890, 380, § 2.

SECTS. 36-39 repealed. Controller of county accounts established. Sts. 1887, 438; 1888, 275; 1890, 216, 306. (See 1886, 169.)

Chapter 24. — Of Registers of Deeds.

SECT. 2. New registry established in Bristol. St. 1891, 234.

SECT. 5. And in Worcester. St. 1884, 40.

SECT. 6. Record is to be made of oath of registers. St. 1890, 308.

SECT. 9. Women may be assistant registers. St. 1885, 7.

SECT. 12. Requirement of residence in place of registry repealed. St. 1892, 121.

SECTS. 13-26. Provision for re-recording worn or indistinct records. St. 1892, 253.

SECT. 22. Indexes, except in Suffolk, must show towns in which the lands lie. St. 1885, 29.

Chapter 25. — Of Sheriffs.

SECT. 20 is extended to writs and processes in favor of a sheriff. St. 1885, 75.

SECT. 22. Salaries fixed: Berkshire; St. 1887, 58. Essex; 1887, 164. Hampden; 1889, 38. Hampshire; 1891, 154. Middlesex; 1888, 95. Suffolk; 1888, 228. Worcester; 1888, 244.

In Dukes and Nantucket fees are allowed. Sts. 1884, 209; 1886, 28.

SECTS. 24, 25. Sheriffs must deposit public moneys beyond what are required for immediate use. St. 1890, 215.

Chapter 26. — Of Medical Examiners.

SECT. 2. New district made in Franklin county; St. 1884, 321. In Plymouth; 1886, 74.

SECT. 9 *et seq.* Fees and duties of examiners regulated. Sts. 1885, 265, § 4, 379; 1887, 310; 1888, 306, § 2, 365; 1889, 154. (See 1888, 180.)

Salaries fixed in Suffolk. Sts. 1890, 213; 1892, 286. (See 1885, 379.)

No embalming fluid shall be used where death is supposed to be due to violence without a permit signed by an examiner. St. 1892, 152.

SECTS. 12-15. When a fatal accident occurs on a railway a verbatim report of evidence shall be made and sworn to at expense of the railway company. Sts. 1888, 365; 1889, 154.

SECTS. 14, 25. Fees of witnesses, etc., at inquests regulated. Sts. 1883, 61; 1885, 379, § 2; 1890, 440. (See 1888, 180.)

SECTS. 20, 24. Provision made for disposition of bodies and for account of expenses. St. 1887, 310.

SECT. 25. Special justices of municipal, police and district courts, with certain exceptions, are to have same fees as trial justices. St. 1885, 40. The record must state the fact which gives them jurisdiction. St. 1892, 268.

Chapter 27. — Of Towns and Town Officers.

SECTS. 2-6. Provision for definition and preservation of town boundary lines. St. 1888, 336.

SECT. 9. Towns may lease public buildings, except school-houses, to grand army and veteran firemen's associations. Sts. 1885, 60; 1891, 218.

May lay out lands for public parks. Sts. 1882, 154; 1890, 240. And for preservation of forest trees or preservation of water supply. St. 1882, 255. And for purification and disposal of sewage. St. 1890, 124.

May give the improvement of public grounds to corporations organized for the purpose. St. 1885, 157.

May manufacture and distribute gas and electricity on certain conditions. Sts. 1891, 370; 1892, 259.

SECT. 10. Towns may contract for disposal of garbage, refuse and offal. St. 1889, 377.

May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.)

May employ counsel at hearings before legislative committees. St. 1889, 380.

May raise money to erect and repair monuments to soldiers and sailors in national wars. Sts. 1884, 42; 1886, 76.

May furnish State and military aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447. (See 1888, 438; 1889, 298.)

SECT. 10, last clause. See Sts. 1888, 304; 1890, 347.

SECT. 11. Towns may appropriate money for certain anniversary celebrations. Sts. 1889, 21; 1892, 166.

SECT. 12. May raise fifty cents per poll for planting, etc., of shade trees. St. 1885, 123, § 1. (See 1882, 109.)

SECT. 15 *et seq.* Regulations for use of carriages, etc., in streets under P. S., ch. 28, § 25, are to be made by selectmen in towns and published. St. 1885, 197. And to regulate and control itinerant musicians and coasting. St. 1892, 390.

SECT. 27. Towns having a water supply may contribute with other towns to construct a sewerage system to protect the purity of such supply. St. 1888, 160.

SECT. 34. No fee for detention and support shall be allowed unless it appears by officer's return that defendant was actually detained in the lockup. St. 1890, 166.

SECTS. 44-49 are extended to all persons and corporations, and to electric light and telephone wires. Sts. 1883, 221; 1887, 385, § 8; 1889, 398, 434. (See 1884, 302, 306; 1887, 382.)

SECTS. 48, 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 52 amended. St. 1887, 249. (See 1884, 298, § 1, 299; 1885, 5, 351.)

SECTS. 52-69. The laws relating to town meetings, moderators and election of town officers are revised. Sts. 1890, 423, §§ 208-227; 1891, 10, 31, 32; 1892, 51, 190. (See 1883, 229; 1885, 261; 1886, 262, 264, 295; 1887, 371; 1888, 353; 1890, 175.)

Recount of ballots on liquor licenses provided for. St. 1892, 224. (See 1884, 299, §§ 22-26.)

Towns may be divided into voting precincts. St. 1890, 423, § 72. (See 1884, 299; 1886, 264; 1888, 146; 1890, 175; 1891, 242; 1892, 190, 405.)

SECT. 55. Warrants for town meetings at which a constitutional amendment is to be voted on shall contain a copy of proposed amendment. St. 1892, 124.

SECT. 64 *et seq.* In towns which adopt the act, town officers are to be elected by the "Australian" system. Sts. 1890, 386; 1891, 10, 31.

Method of withdrawal from nomination for a town office regulated. St. 1891, 155.

SECTS. 65, 69. Provisions in regard to election of assessors and overseers of the poor revised. St. 1883, 203.

Women may be chosen overseers of the poor. St. 1886, 150.

SECTS. 74-77. In towns which have not accepted these sections, or St. 1871, 158, the selectmen shall appoint a superintendent of streets. St. 1889, 98, 178.

SECT. 78. Office and duties of town auditor established. Sts. 1886, 295; 1888, 221; 1889, 191; 1890, 254.

Provision for filling vacancy in office of town auditor. St. 1890, 254.

General provision made for filling vacancies in town offices, except those of selectman, clerk, assessor and treasurer. St. 1891, 336. (See 1890, 254.)

Town officers must demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

SECT. 85. Police officers may be assigned to agricultural and horticultural exhibitions. St. 1892, 180.

Special officers for emergencies must be residents of the Commonwealth. St. 1892, 413.

SECT. 95. Town clerks must give bonds to account for moneys received for dog licenses. St. 1888, 320. (See 1888, 308.)

Must send to secretary of Commonwealth copy of records of vote at elections. St. 1890, 423, § 155. (See 1890, 175.)

And of vote of town on acts to take effect on acceptance. Sts. 1883, 109; 1891, 170, §§ 6, 7.

Must notify commissioners of prisons of appointment of certain police officers and constables. St. 1892, 290.

SECTS. 102-104. Form of oath modified. Provision to punish fraud in valuations. St. 1885, 355.

SECT. 112 *et seq.* Cities and towns must return names of constables to clerks of county courts within seven days after they qualify. St. 1889, 384.

SECT. 129. Superior court given concurrent jurisdiction. St. 1891, 293.

Chapter 28.—Of Cities.

General provision is made for the establishment of city governments. St. 1892, 377.

Words "mayor and aldermen" defined. St. 1882, 164.

Provision made for acting mayor in case of death, absence, etc., of mayor. St. 1882, 182.

The board of aldermen must notify the mayor, aldermen, common councilmen and school committee of their election. St. 1885, 159.

City officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

City clerks must notify secretary of the Commonwealth of vote on acts to take effect on acceptance. St. 1883, 100.

And of changes in wards and polling places. St. 1886, 78.

And send him attested copies of records of votes cast for members of the legislature in each voting precinct. St. 1890, 175.

They must return to clerks of courts names of constables elected or appointed. St. 1889, 384.

And must notify prison commissioners of appointment of certain police officers and constables. St. 1892, 290.

Cities may lay out lands for public parks. St. 1882, 154; 1890, 240. And for preservation of forests or preservation of water supply. St. 1882, 255.

May lease public buildings, except school-houses, to grand army or veteran firemen's associations. Sts. 1885, 60; 1891, 218.

May appropriate money for enforcement of civil service laws. St. 1887, 345. And for certain anniversary celebrations. St. 1892, 166.

May indemnify police officers for expenses, etc., of suits in defence of acts done while acting as such. St. 1888, 379.

May, by ordinance, require all fees, charges and commissions allowed to officials to be paid into the treasury. St. 1888, 308.

May contract for disposal of garbage, refuse, etc. St. 1889, 377.

May furnish military or State aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447. (See 1888, 438; 1889, 298.)

May expend money for watering streets and assess the whole or part of the expense on abutters. St. 1891, 179. (See 1890, 365.)

May take land for purification and disposal of sewage. St. 1890, 124.

May manufacture and distribute gas and electricity on certain conditions. Sts. 1891, 370; 1892, 259.

May regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 136.

Cities having a water supply may contribute with other cities and towns to construct a sewerage system to protect purity of supply. St. 1888, 160.

Tenure of police officers established in certain cities. St. 1890, 319.

Members of the police may be pensioned in cities containing not less than seventy-five thousand inhabitants. St. 1892, 378.

SECT. 6. Any item in an ordinance or vote involving an appropriation of money, or raising a tax, may be separately vetoed. St. 1885, 312, § 3.

SECT. 7. Mayor may not vote in board of aldermen or joint convention. St. 1882, 180.

SECT. 11. Police officers may be assigned to agricultural or horticultural exhibitions. St. 1892, 180.

SECTS. 14-16 repealed. New division of wards in cities provided for. St. 1888, 437. (See 1884, 125, 181, § 9, 299, § 3; 1885, 156; 1886, 78, 283.)

SECT. 23. No member of a city council is eligible by the city council or either branch thereof to any office the salary of which is paid from the city treasury. St. 1886, 117.

SECT. 25. Selectmen in towns may make these rules, etc. St. 1885, 197.

Chapter 29.—Of Municipal Indebtedness.

“Net indebtedness” is defined. St. 1883, 127.

SECT. 4. The limit of city debts is reduced to two and a half per cent. St. 1885, 312. (See 1885, 178; 1888, 347; 1889, 256.)

Exception made in certain cases: Boston; 1886, 304; 1887, 312; 1888, 392; 1889, 68, 283, § 4; 1890, 271, 355, 444; 1891, 301, 324. Brockton; 1889, 176; 1890, 142; 1892, 42, 45, 247. Cambridge; 1888, 73; 1891, 316. Fall River; 1892, 367. Haverhill; 1891, 230. Holyoke; 1886, 178; 1891, 212. Lowell; 1890, 120, 121. Lynn; 1888, 229; 1889, 172; 1890, 203, 258. Malden; 1892, 155. Marlborough; 1890, 135. New Bedford; 1892, 150. Newburyport; 1886, 254. Somerville; 1892, 153. Taunton; 1891, 150. Waltham; 1888, 185. Worcester; 1888, 144; 1889, 157. Duxbury; 1890, 65. Orange; 1891, 27.

Damages for alteration of grade crossings are excepted. St. 1892, 178.

SECT. 6. Temporary loans can be made only in anticipation of the taxes of the current municipal year. Sts. 1885, 312, § 4; 1889, 372.

They must be payable within one year. St. 1891, 221.

SECTS. 7, 8. Issuing bonds, notes or scrip for city or town debts is authorized. Sts. 1884, 129; 1892, 245, § 7.

SECT. 8 amended. Word “thirty” substituted for “twenty” in fourth line. St. 1892, 245, § 6.

Time for payment of “other debts” extended in certain cases. Sts. 1889, 166; 1891, 321.

SECT. 9. Fixed annual appropriations may be made as a substitute for a sinking fund. St. 1882, 133.

Sinking funds for sewer debts regulated. St. 1892, 245, § 9.

SECT. 15. Management of surplus accumulations of State sinking funds regulated. St. 1891, 259.

Chapter 30.—Of Aid to Soldiers and Sailors and to their Families.

The State treasurer may receive sums from the United States for the soldiers' home. St. 1890, 373.

This chapter is repealed, and the law as to State and military aid revised and extended. Sts. 1889, 279, 301; 1890, 447. (See 1884, 34; 1885, 173, 204, 214; 1886, 39, 110; 1887, 122; 1888, 438; Res. 1892, 84.)

Cities and towns are to furnish support to certain soldiers and sailors and their families. St. 1890, 447. (See 1888, 438; 1889, 298.)

Provision is made for burial of deceased indigent soldiers, sailors and marines. Sts. 1889, 395; 1892, 184.

Grand army posts may distribute aid to soldiers. St. 1885, 189.

An agent for settlement of pension bounty and back pay claims provided for. Sts. 1888, 396; 1891, 196.

SECT. 1. Salary of third commissioner fixed. St. 1892, 291. (See 1885, 214; 1889, 279, § 9.)

Chapter 31. — Of the Census, the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

Certain useless papers may be burned. St. 1887, 43.

SECTS. 1-12 are revised. St. 1884, 181.

SECTS. 13-16. Additional statistics are required. Sts. 1886, 174; 1892, 280. (See 1884, 181; 1885, 156; 1888, 437, § 6.)

The report of the board may be in parts. St. 1890, 97.

A second clerk is provided for. St. 1884, 4.

Clerks' salaries fixed. St. 1888, 115. (See 1884, 4.)

SECT. 17 is amended. St. 1886, 101, § 4.

Chapter 32. — Of the Registry and Return of Births, Marriages and Deaths.

SECT. 1. Provision made for further particulars in records of deaths. Sts. 1887, 202; 1890, 402.

Depositions may be filed to complete or correct records and new copies made. Penalty imposed for false return. St. 1892, 305.

Returns of births and deaths of residents of other towns to be made to and recorded in such towns. St. 1889, 208.

SECT. 3. Request for certificate of death not limited to fifteen days. St. 1888, 63.

Further statements required in certificates in certain cases. Sts. 1888, 306; 1889, 224.

SECT. 4. Returns of sextons and undertakers shall be preserved and arranged for reference. St. 1887, 202.

SECTS. 5, 6. Additional requirements for removal, transportation and burial of bodies. Sts. 1883, 124; 1887, 335; 1888, 306.

SECT. 7. Additional facts to be reported. St. 1883, 158. The words "except Boston" are stricken out. St. 1889, 288.

SECT. 17. Prosecutions in Boston regulated. St. 1892, 314, § 5.

Chapter 33. — Of Workhouses and Almshouses.

No person whose insanity has continued less than twelve months may be detained in an almshouse without remedial treatment. St. 1886, 319, § 3.

Chapter 35. — Of Fires, Fire Departments and Fire Districts.

Pensions provided for in Boston. St. 1888, 174. (See 1880, 107.) And a fire marshal. Sts. 1886, 354; 1887, 231.

Assistance for the Massachusetts State firemen's association provided for. St. 1892, 177.

SECT. 1. Forest fire-wards are provided for. St. 1886, 296, §§ 2, 3.

SECTS. 10, 11 are repealed. St. 1888, 199, § 3. (See 1886, 296, § 4; 1887, 214, § 16.)

SECT. 28. Additional apparatus required. St. 1888, 310.

Board of fire engineers, or chief of fire department, to investigate origin, etc., of fires. Sts. 1889, 451; 1891, 229.

SECT. 29. Selectmen may remove engineers after notice and hearing. St. 1886, 113.

SECT. 35. Penalties prescribed for violations of rules. St. 1888, 220.

Chapter 36. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECTS. 1-19. Fences and like structures over six feet in height, maliciously erected, etc., are declared nuisances. St. 1887, 348.

Chapter 37. — Of the Public Records.

A commissioner of public records is established, his duties prescribed and salary fixed. St. 1892, 333.

SECT. 1 is revised and quality of paper regulated. St. 1891, 281.

SECT. 3. Provision for additional accommodations. St. 1886, 207.

SECT. 5. Records of deaths may also be copied. St. 1887, 202.

SECTS. 5-7. Indexes of records are to be kept. St. 1885, 190.

SECTS. 14, 15. In Boston, city registrar to perform duties of city or town clerk under these sections. St. 1892, 314, § 3.

SECT. 15. City or town clerk to demand the records, if not delivered. St. 1890, 227.

SECT. 16. Removal or mutilation of records of the Commonwealth is forbidden. St. 1890, 392.

The public records, books, papers and property of a city or town officer are to be demanded by, and delivered under oath to, his successor. St. 1891, 340.

Chapter 38. — Of Parishes and Religious Societies.

Provision is made for the incorporation and government of, and conveyance of property to, churches. Sts. 1887, 404; 1888, 326; 1891, 265. (See 1884, 78.)

Incorporated religious societies may make by-laws. St. 1888, 326.

SECTS. 18, 19. Religious societies shall not assess taxes except upon their pews. St. 1887, 419.

SECT. 21 is repealed. St. 1887, 419.

SECT. 43 is extended. St. 1886, 239.

Chapter 39. — Of Donations and Conveyances for Pious and Charitable Uses.

SECT. 1. Churches may appoint trustees, who shall be a body corporate for the purposes of this section. St. 1884, 78.

Real estate held by deacons may be conveyed to the church, if incorporated. St. 1887, 404, § 7.

Chapter 40. — Of Library Associations.

SECT. 6. Allowance made to county law libraries. St. 1882, 246.

SECT. 9 *et seq.* The election, powers and duties of trustees of free public libraries and reading rooms are regulated. Sts. 1888, 304; 1889, 112.

A board of library commissioners is provided for. St. 1890, 347. They are authorized to aid free libraries in certain towns. St. 1892, 255.

Chapter 41. — Of the Board of Education.

SECT. 8. Salary of the secretary of the board fixed. St. 1885, 227.

SECT. 12. The board has the management of the State normal school boarding-houses. St. 1891, 384. And the supervision of the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, 118.

SECTS. 16, 17. The provisions for the instruction of deaf-mutes and deaf children are revised and extended. Sts. 1888, 239; 1889, 226. (See 1886, 241; 1887, 179.)

Chapter 43. — Of the School Funds.

SECTS. 1, 2. Certain payments into the fund are provided for. St. 1890, 335.

SECT. 3. The distribution of the fund is revised. Sts. 1884, 22; 1891, 177. (See 1885, 227.)

Chapter 44. — Of the Public Schools.

Provision is made for a State nautical training school. St. 1891, 402.

Free scholarships in the Massachusetts institute of technology are provided for. Res. 1887, 103.

SECT. 1. The use of hand tools may be taught. St. 1884, 69. (See 1885, 161, § 2.) Physiology and hygiene must be taught. St. 1885, 332.

SECTS. 1, 2. Evening schools and evening high schools are required in certain places. Sts. 1883, 174; 1886, 236. Notice of their opening must be given. St. 1887, 433, § 4.

A town not required to maintain a high school shall pay for the tuition of its children attending a high school in another town or city. St. 1891, 263.

The last session prior to Memorial day is to be devoted to exercises of a patriotic nature. St. 1890, 111.

SECT. 28. Diploma of a State normal school may be accepted in lieu of a personal examination of a teacher. St. 1891, 159.

Teachers, after a year's service, may be appointed to serve during the pleasure of the committee. St. 1886, 313.

SECTS. 35-40 are repealed. Text-books, supplies, etc., are furnished free. Sts. 1884, 103; 1885, 161. (See 1885, 67.)

SECTS. 41-46. The district system is abolished. St. 1882, 219. (See 1884, 122.)

SECTS. 44, 45. Provision to aid small towns to unite to employ a superintendent. Sts. 1888, 431; 1891, 272. (See 1890, 379; 1892, 301, 344, 360.)

Chapter 45. — Of School Districts.

The school district system is abolished. St. 1882, 219. But the right to sue or defend for districts is reserved. St. 1884, 122.

Chapter 46.—Of School Registers and Returns.

SECT. 3. See St. 1888, 348, § 7.

SECT. 15. The time for which payment is to cease is limited. St. 1891, 99.

Chapter 47.—Of the Attendance of Children in Schools.

SECTS. 1, 2 are revised and requirements of attendance and certain provisions as to methods of teaching changed. Sts. 1889, 464; 1890, 384; 1891, 361. (See 1883, 174, § 3.)

Further provisions made to prevent truancy. Sts. 1885, 71; 1889, 249, 422; 1890, 309; 1891, 426; 1892, 62.

SECT. 9. Additional provisions to prevent introduction of contagious diseases into schools. Sts. 1884, 98; 1885, 198. (See 1884, 64; 1890, 102.)

Chapter 48.—Of the Employment of Children and Regulations respecting Them.

SECTS. 1-6. The regulations as to the employment of children are revised and extended, and sanitary protection provided for. Sts. 1887, 103, 121, 173, 215, 218, 280, 330, 422, 433; 1888, 305, 348; 1889, 135, 229, 291; 1890, 48, 90, 183, 299; 1891, 317; 1892, 83, 210, 352, 357. (See 1883, 157, 224; 1884, 275; 1885, 222, 305.)

SECT. 7. Employment of children who cannot read and write in the English language is regulated. Sts. 1887, 433; 1888, 348; 1889, 135, 291; 1890, 48, 299; 1891, 317.

Children under ten shall not be permitted to enter street cars to sell newspapers, etc. St. 1889, 229.

Persons under fifteen shall not be employed to operate certain elevators. St. 1890, 90.

The words used in statutes relating to the employment of labor are defined. St. 1887, 103.

SECTS. 8, 9. No minor shall be employed to sell or distribute papers devoted to criminal news. St. 1885, 305.

Admission of children under thirteen to certain shows and places of amusement is restricted. St. 1887, 446.

SECTS. 10, 12 are extended. Provision for approval of by-laws by judge of probate is omitted. St. 1889, 249.

Further provisions made to prevent truancy. Sts. 1885, 71; 1889, 249, 422. (See 1890, 309; 1891, 426; 1892, 62.)

SECTS. 13, 14 amended. The provisions for county and union truant schools are revised. Sts. 1884, 155; 1890, 309; 1891, 389, 426; 1892, 62.

SECTS. 15, 27 amended. St. 1886, 101, § 4.

SECTS. 18-27. Further provisions made for care, education and protection of neglected, destitute and abandoned children. Sts. 1882, 181, 270; 1883, 232, 245; 1884, 210; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1889, 230, 309, 416; 1891, 194. (See 1886, 101; 1887, 441.)

SECT. 19 is amended. St. 1883, 245.

SECT. 22 *et seq.* Provisions regulating infant boarding-houses and adoptions. Sts. 1889, 309, 416; 1891, 194; 1892, 318. (See 1882, 270, § 3.)

Chapter 49. — Of the Laying Out and Discontinuance of Ways, and of Damages occasioned by the Taking of Land for Public Use.

SECTS. 1, 10, 13. Towns may alter, etc., but not discontinue county highways or bridges within their limits. St. 1891, 170.

Land may be taken for public parks. Sts. 1882, 154; 1890, 240.

For the cultivation or preservation of trees. St. 1882, 255.

And for the purification and disposal of sewage. St. 1890, 124.

SECTS. 6, 14 *et seq.* County commissioners may lay out, etc., highways under the betterment law where accepted. St. 1887, 124. (See 1884, 226.)

They may determine locations of public landing places. St. 1882, 109.

SECT. 18. New provision made in regard to payment of damages. St. 1883, 253.

SECTS. 33, 79, 91 revised and extended. Time for application for a jury more particularly defined. St. 1892, 415.

SECT. 47. Officers' *per diem* for attendance fixed. St. 1882, 96.

SECTS. 84–86 are revised and powers of street commissioners modified. Sts. 1888, 357; 1891, 323, §§ 8, 10, 14; 1892, 415, § 3, 418, §§ 3, 5, 7.

Board of survey established, and methods of locating, laying out and constructing highways in Boston regulated. Sts. 1891, 323; 1892, 415, 418.

SECT. 91. Application for jury may be brought within the time specified in section 33, notwithstanding the charter. St. 1892, 415, § 4.

SECT. 105. Petition for damages for land taken by a town in Dukes or Nantucket may be brought in Bristol county. St. 1887, 50. (See 1885, 384, § 1.)

Chapter 50. — Of Sewers, Drains and Sidewalks.

SECT. 1. Cities and towns may take land for the purification and disposal of sewage. St. 1890, 124.

SECTS. 1, 3–8. Construction of, and assessments and charges for, sewers, regulated. St. 1892, 245. In Boston. St. 1892, 402.

Provision made for enforcing connection with public sewers. St. 1889, 108, 132. (See 1892, 245, § 4.)

SECT. 5. Land sold may be redeemed as if sold for taxes. St. 1883, 145. The lien shall continue two years. St. 1886, 210.

SECT. 20. Construction of sidewalks in Boston regulated. St. 1892, 401. (See 1891, 323.)

SECT. 21. Barbed wire fences are restricted. St. 1884, 272.

SECT. 25. In cities which accept the act assessments may be apportioned into not more than ten annual instalments. St. 1891, 97. (See St. 1892, 245, § 8.)

Chapter 51. — Of Betterments and other Assessments on Account of the Cost of Public Improvements.

This chapter applies to alterations of ways at railroad crossings. St. 1884, 280. And to laying out public parks. St. 1882, 154, § 7.

The authorities may agree to assume betterments if land owners will release damages. St. 1884, 226.

SECTs. 1-9. Extended to alterations, etc., of highways by towns. St. 1891, 170, § 3.

Betterments bear interest after thirty days and the lien continues for one year after determination of any suit to test their validity. St. 1884, 237.

SECT. 11. Notice of assessment of betterment must be given within three months to party to be charged. St. 1885, 299.

County commissioners may lay out, etc., highways under the betterment act, where accepted. St. 1887, 124. (See 1884, 226.)

Chapter 52. — Of the Repair of Ways and Bridges.

SECT. 10, as to trimming, etc., of trees, is revised. St. 1885, 123, § 2. (See 1890, 196; 1891, 49; 1892, 147.)

SECT. 19. Notice shall not be invalid for unintentional inaccuracy if party entitled to notice was not misled. St. 1882, 36.

Actions for injuries by defects in highways are not limited to the superior court. St. 1888, 114.

Chapter 53. — Of the Regulations and By-laws respecting Ways and Bridges.

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, 393.

SECT. 1 revised. Guide posts shall be erected at forks and intersections of ways leading to other towns. St. 1887, 162.

SECT. 13 *et seq.* Certain rights of way in the streets, etc., are given to the police in Boston. St. 1889, 57.

Selectmen in towns may make rules for regulation of vehicles. St. 1885, 197.

SECT. 18. County commissioners may regulate the speed at which persons may ride or drive over certain bridges. St. 1888, 313. (See 1882, 108.)

Chapter 54. — Of the Boundaries of Highways and other Public Places and Encroachments thereon.

Erection and maintenance of posts, wires and structures in highways regulated. Sts. 1884, 302, 306; 1889, 398. (See 1883, 221.)

No barbed wire fence may be built against a sidewalk. St. 1884, 272.

SECTs. 6-11. Further provisions for planting, cutting, trimming and preservation of shade trees. Sts. 1885, 123; 1890, 196; 1891, 49; 1892, 147. (See Res. 1886, 32.)

SECTs. 9-12 are repealed. St. 1885, 123, § 3.

SECT. 16. "And the selectmen of a town" inserted after word "city." St. 1892, 390.

Chapter 56. — Of the Inspection and Sale of Butter, Cheese, Lard, Fish, Hops, Leather and Pot and Pearl Ashes.

Provision made for a State dairy bureau and protection of dairy products. Sts. 1891, 412; 1892, 139.

SECTS. 3-21. Sale of imitations of butter regulated. Sts. 1884, 310; 1885, 352; 1886, 317; 1891, 58, 412. (See 1882, 263.)

Sale of adulterated lard regulated. St. 1887, 449. •

SECT. 20. Powers and duties of inspectors increased. Sts. 1884, 310, § 2; 1885, 352, § 5; 1891, 58, § 2. (See 1882, 263.)

SECT. 22 *et seq.* Public weighers of salt-water fish provided for. St. 1888, 163.

Chapter 57. — Of the Inspection and Sale of Milk.

Municipal, district and police courts and trial justices are given jurisdiction under this chapter. St. 1885, 149.

Provision is made for a State dairy bureau and protection of dairy products. Sts. 1891, 412; 1892, 139. (See 1889, 326.)

This chapter is not repealed or amended by St. 1882, 263. St. 1884, 289, § 4.

SECT. 2 is revised and powers and duties of inspectors modified. Sts. 1884, 289, 310, §§ 3, 4; 1885, 352, §§ 4, 5; 1886, 318; 1891, 58, § 3, 412, § 10.

SECTS. 5, 7, 9 are revised. Additional provisions against adulteration of milk. Sts. 1884, 289, 310; 1885, 352; 1886, 318; 1891, 412. (See 1882, 263; 1889, 326.)

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, 310, § 5. And to counterfeit his seal or tamper with samples. St. 1888, 318, § 4. And to wilfully deface and misuse milk cans. St. 1885, 133.

SECT. 12 is repealed. St. 1885, 145.

Chapter 58. — Of the Inspection and Sale of Provisions and Animals intended for Slaughter.

Further provisions to prevent adulteration of food and drugs. Sts. 1882, 263; 1883, 263; 1884, 289; 1886, 171.

Provision made for the suppression of contagious diseases among cattle. Sts. 1884, 232; 1887, 250, 252; 1892, 195, 432.

The sale of dressed poultry is regulated. St. 1887, 94. (See 1883, 230.)

SECTS. 1, 2. Inspectors must be appointed annually. St. 1892, 195, 432.

SECT. 7 is repealed. St. 1892, 195, § 4.

Chapter 59. — Of the Inspection and Sale of Certain Oils.

SECTS. 6, 7. Provision is made to prevent preparation, storage and sale of certain unsafe oils, and for the inspection of kerosene and petroleum. Sts. 1885, 98, 122. (See 1882, 250.)

Chapter 60. — Of the Inspection and Sale of Various Articles.

Dealers in ice must provide each wagon with scales and weigh ice when requested. St. 1890, 276.

SECTS. 11-16 are repealed and new provisions made. St. 1888, 296.

SECT. 17 is repealed. St. 1883, 29.

SECT. 20. A standard measure for cranberries is established. St. 1884, 161. (See 1883, 225.)

SECTS. 21, 22 are revised and other articles added. St. 1888, 414.

SECTS. 56, 57 are revised and sections 58-60 repealed. Wire nails are included. Informer to have half of the forfeiture. St. 1892, 63.

SECTS. 69-71. Provisions against adulteration of vinegar and for compensation of inspectors. Sts. 1883, 257; 1884, 163, 307; 1885, 150.

SECTS. 72-78. Cities may regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 136.

SECTS. 79-82. Sale of coal by measure regulated. Sts. 1883, 218; 1884, 70.

Chapter 61. — Of the Inspection of Gas and Gas Meters.

A board of gas and electric light commissioners is established and their powers and duties prescribed. Sts. 1885, 314; 1886, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169, 373; 1890, 252; 1891, 351, 370; 1892, 259, 263.

Clerk's salary fixed. St. 1891, 351.

The manufacture, sale and inspection of gas and electric light regulated. Sts. 1885, 240, 314; 1886, 250, 346; 1887, 382, 385; 1888, 350; 1889, 169; 1890, 252; 1891, 351, 370; 1892, 67, 259, 263, 274. (See 1888, 428.)

SECTS. 13, 14 do not apply to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 14 amended. St. 1890, 252.

Chapter 63. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECTS. 1, 2, 3, 4, 5, 16, 19 are revised. St. 1890, 159.

Chapter 65. — Of Weights and Measures.

The weights, measures and balances to be kept by counties, cities and towns are defined and inspection provided for. St. 1890, 426.

The sale of coal by measure regulated. Sts. 1883, 218; 1884, 70.

SECT. 8. Sealers are to be appointed in cities by mayor and aldermen. St. 1882, 42.

SECT. 21. Unlawful weights may be seized. Their possession implies unlawful intent. St. 1883, 225.

Chapter 67. — Of Auctioneers.

SECTS. 1, 5 are revised. St. 1886, 289.

SECT. 6 amended and auction sales further regulated. Sts. 1890, 449; 1891, 144. (See 1886, 289.)

Chapter 68. — Of Hawkers and Pedlars.

SECT. 1. Itinerant venders must be licensed. Sales by them regulated. Sts. 1890, 448, 449; 1891, 144. (See 1883, 168; 1885, 309; 1887, 422, 445.)

Provision to prevent illegal peddling and begging by minors. Sts. 1887, 422; 1892, 331. And peddling near licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECT. 1, 2. Cities may regulate sale by hawkers and peddlers of any articles mentioned in section one. St. 1883, 168.

SECT. 2. New provisions made for licensing minors and regulating sales by them. St. 1892, 331.

SECT. 9. Licenses may be granted to persons over seventy years of age. St. 1883, 118. And to certain honorably discharged soldiers and sailors. St. 1889, 457.

Chapter 69. — Of Shipping and Seamen, Harbors and Harbor Masters.

Copy of registers of foreign vessels must be filed with commissioner of corporations and the commissioner appointed agent to receive service of legal process. St. 1889, 393. (See 1884, 330.)

SECT. 1-9. Provision made for transportation of shipwrecked seamen. St. 1886, 179.

SECT. 8. Clause as to advance wages stricken out. St. 1889, 284.

SECT. 11. Harbor lines established: Boston; 1882, 48; 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109. (See 1885, 315.) Haverhill; 1883, 104.

SECT. 23. Further provisions for protection of harbors. Sts. 1884, 269; 1892, 206. Boston; 1892, 358. Marblehead; St. 1892, 214.

SECT. 25. Provision for assistant harbor masters. St. 1882, 216.

Appointment of harbor masters in Boston regulated. St. 1889, 147.

SECT. 26, 29, 33. Powers of harbor masters extended. St. 1884, 173. Regulations made for Gloucester harbor. 1885, 315.

SECT. 33 extended to sections 23-32. St. 1884, 173.

Chapter 70. — Of Pilots and Pilotage.

Additional pilots provided for. Sts. 1882, 174; 1887, 298.

Pilotage fees established: Cohasset; St. 1887, 298. Salem and Beverly; 1887, 204. Winthrop; 1892, 114. Wood's Holl; 1889, 275. (See 1888, 288.)

SECT. 12. The pilots shall be "for any or all of said ports." St. 1890, 300.

SECT. 26-32. Certain exemptions from fees are made. St. 1884, 213, 252.

SECT. 30. Limit extended. St. 1884, 252, §§ 2, 3.

SECT. 39. It is forbidden to assume or continue to act, without authority, as a pilot. St. 1884, 252, § 6.

Chapter 72. — Of Public Warehouses.

SECT. 2. Bond and sureties are to be approved by the governor. St. 1885, 167.

SECT. 5. Provision for non-negotiable receipts assignable only on the books of the warehouseman. St. 1886, 258.

SECT. 10. Goods may be sold to pay charges a year overdue. St. 1887, 277.

Chapter 74. — Of the Employment of Labor.

A State board of arbitration and conciliation is established. Sts. 1886, 263; 1887, 269. Clerk provided for. St. 1888, 261. And expert assistants. Sts. 1890, 385; 1892, 382.

Employment in the civil service is regulated. Sts. 1884, 320; 1887, 364, 437; 1888, 41, 253, 334; 1889, 177, 183, 351, 352, 473; 1891, 140.

The words used in the statutes relating to labor are defined. St. 1887, 103, § 5.

Sanitary provisions in factories, etc., are regulated. Sts. 1887, 103, 173, 218; 1888, 305. (See 1887, 215.)

Employment of women and children regulated. Sts. 1882, 150; 1883, 157; 1884, 275; 1887, 103, 121, 173, 215, 218, 280, 330, 433; 1888, 305, 348, 426; 1889, 135, 291; 1890, 48, 90, 183, 299; 1891, 317; 1892, 83, 210, 352, 357. (See 1890, 179.)

Provision to prevent manufacture of clothing in unhealthy places. Sts. 1891, 357; 1892, 296.

Deductions from wages for imperfections in weaving restricted. St. 1892, 410. (See 1887, 316; 1891, 125.)

It is made an offence to compel any person, as a condition of employment, to agree not to join a labor organization. St. 1892, 330.

Workmen employed by a contractor on public work for a city or town may sue the city or town for their wages, on certain conditions. St. 1892, 270.

Provision to prevent persons not residents of the Commonwealth acting as officers to protect property of employers of labor. St. 1892, 413.

Provision for authorizing bells, gongs and whistles for factories, etc. St. 1883, 84.

Weekly payment of wages by corporations required and regulated. Sts. 1886, 87; 1887, 399; 1891, 239.

Leave of absence to vote provided for. St. 1887, 272.

SECT. 3. Liability of employers for injuries to employees extended and regulated. Sts. 1886, 260; 1887, 270; 1888, 155; 1890, 83; 1892, 260. (See 1883, 243; 1886, 140, 173; 1890, 179.)

Reports of accidents to be made to district police. Sts. 1886, 260; 1890, 83.

SECT. 4. Hours of labor regulated in certain cases. Sts. 1884, 275; 1887, 280; 1888, 348, §§ 1, 2; 1890, 183, 375; 1891, 350; 1892, 357. (See 1883, 157; 1886, 90.)

Nine hours shall constitute a day's work for laborers, mechanics, etc., employed by the State or any county, city or town. Sts. 1890, 375; 1891, 350.

Chapter 75. — Of Limited Partnerships.

SECT. 3. Name of a former firm may be used with consent of its members. St. 1887, 248, § 1.

SECTS. 7, 8, 12 amended. Interest and liability of special partners regulated. St. 1887, 248.

Chapter 77.—Of Money, Bills of Exchange, Promissory Notes and Checks.

SECT. 1. The par of exchange established by United States Rev. Sts., § 3565, is adopted. St. 1882, 110.

SECT. 3 is not repealed by St. 1888, 388.

Rate of interest on loans for less than one thousand dollars regulated. Sts. 1888, 388; 1892, 428.

SECT. 8 *et seq.* When Christmas falls on a Sunday the next day is a holiday. St. 1882, 49.

The first Monday of September is "labor's holiday." St. 1887, 263.

No written promise to pay money shall be held not to be a promissory note or not negotiable because time of payment is uncertain, if it is payable in any event. St. 1888, 329.

Provision made for payment of checks, drafts, etc., presented after death of drawer. St. 1885, 210.

Chapter 78.—Of the Prevention of Frauds and Perjuries.

No agreement to make a will, devise or legacy, is binding unless in writing. St. 1888, 372.

Chapter 79.—Of the State Board of Health, Lunacy and Charity.

The board is divided into a board of health and a board of lunacy and charity. St. 1886, 101.

Salary of secretary fixed. St. 1889, 370.

The board of health is given general supervision of inland waters and sources of water supply. Sts. 1888, 375; 1890, 441, § 1. (See 1884, 154; 1886, 274.)

It may forbid sale of impure ice. St. 1886, 287.

May expend annually \$11,500 in enforcing laws against adulterations. St. 1891, 319. (See 1882, 263; 1883, 263; 1886, 289, §§ 1-6.)

It must report prosecutions and expenditures. St. 1884, 289, § 2.

The governor may detail an officer of the district police to assist in cases of deserted and unprotected children and of bastardy. St. 1885, 158.

SECT. 9. Classes of inmates who may be removed specified. St. 1887, 367. (See 1886, 219.)

Chapter 80.—Of the Preservation of the Public Health.

Provision made to prevent adulteration of food and drugs. Sts. 1882, 263; 1884, 289; 1886, 287; 1891, 319. (See 1883, 263; 1891, 374, 412.)

To prevent sale of toys or confectionery containing arsenic. St. 1891, 374.

To prevent sale of impure ice. St. 1886, 287.

To prevent manufacture of clothing in unhealthy places. Sts. 1891, 357; 1892, 296.

To prevent feeding of garbage, refuse or offal to milch cows. St. 1889, 326.

To authorize and regulate crematories. St. 1885, 265.

For suppression of contagious diseases among cattle. Sts. 1884, 232; 1887, 250, 252; 1892, 195.

For registration and regulation of pharmacists. Sts. 1885, 313; 1887, 267. (See Res. 1892, 87.) And of dentists. St. 1887, 137.

SECTs. 1, 53, 93 amended. St. 1886, 101, § 4.

SECT. 3. Provision for filling vacancies in town boards of health. St. 1885, 307.

Local boards may close places of burial. St. 1885, 278, § 1.

SECT. 12. Provisions for regulation of house drainage and connection with public sewers. Sts. 1889, 108; 1890, 74, 132.

SECTs. 21-23. Privy vaults are restricted in cities. St. 1890, 74.

SECT. 28. Expenditure under this section, without a previous appropriation, is limited. St. 1887, 338, § 1.

SECTs. 30-32. Right given of appeal and trial by jury, as in case of lands taken for highways. St. 1887, 338, §§ 2, 3.

SECT. 60. Further provisions for protection of infants, licensing infant boarding-houses and regulating adoptions. Sts. 1882, 270, § 3; 1889, 309, 416; 1891, 194; 1892, 318.

SECT. 70. Massachusetts homœopathic hospital aided, and appointment of trustees provided for. St. 1890, 358.

SECTs. 78, 79 repealed and new provisions made as to notices and reports of contagious diseases. Sts. 1883, 138; 1884, 98; 1890, 102; 1891, 188.

SECT. 83 amended. St. 1886, 101, § 4.

SECTs. 88-91 amended. Appeal is to superior court in the county where the premises are. Verdicts may be enforced by injunction or other order in equity. Sts. 1883, 133; 1889, 193.

Time for appeal extended. Pending appeal the board may authorize the continuance of the trade. St. 1889, 193, § 1.

SECT. 96 *et seq.* Further provision made to protect the purity of inland waters and sources of water supply. Sts. 1884, 154, 172; 1888, 160, 375; 1890, 441. (See 1886, 274.)

SECTs. 98-100 are repealed. St. 1884, 154. But see Sts. 1888, 375; 1890, 441, § 1.

SECTs. 103-105 are repealed. St. 1891, 120.

Chapter 81. — Of the Promotion of Anatomical Science.

SECT. 1. Change made in persons by whom permits may be given. St. 1891, 185, 406.

SECT. 3 repealed. St. 1891, 185.

SECT. 4. Friends have three days to ask for burial. St. 1891, 185, § 2.

Chapter 82. — Of Cemeteries and Burials.

Provision made for commissioners of burial grounds in towns. St. 1890, 264.

Cremation of the dead authorized and regulated. St. 1885, 265.

Change of corporate name provided for. Sts. 1891, 360; 1892, 198, 201.

SECT. 3 is repealed and new provisions made defining rights of widows

and children in burial lots and tombs. Sts. 1885, 302; 1892, 165. (See 1883, 262.)

SECT. 6. Conveyances need be recorded only in the records of the corporation. Sts. 1883, 142; 1889, 299.

Records must be kept of all conveyances and contracts in relation to lots. St. 1889, 299. (See 1883, 142.)

SECT. 17. Towns and cities may receive funds for care and improvement of burial places and lots. Sts. 1884, 186; 1890, 264, § 4.

SECT. 19. Boards of health may close any place of burial. St. 1885, 278, § 1.

SECT. 24. To sustain an appeal the jury must find that the closing was not necessary for the protection of the public health. St. 1885, 278, § 2.

SECTS. 25-28 are repealed. St. 1885, 278, § 3.

Chapter 84. — Of the Support of Paupers by Cities and Towns.

Provision made for remedial treatment of recently insane paupers. St. 1886, 319, § 3.

False representations for the purpose of causing any person to be supported as a pauper are made an offence. St. 1891, 343.

Provision made for custody and care of pauper children. Sts. 1882, 181; 1883, 232; 1886, 330; 1887, 401; 1888, 248.

SECT. 2. See St. 1886, 319, § 3.

SECT. 3. The State board of lunacy and charity may act in certain cases. St. 1887, 401.

SECT. 6. The pauper and his estate are made liable for expenses incurred for him. St. 1882, 113.

SECTS. 14-18. Transportation of destitute shipwrecked seamen provided for. St. 1886, 179.

SECT. 17. Overseers shall bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, 310, § 3.

Burial of deceased indigent soldiers, sailors and marines provided for. Sts. 1889, 395; 1892, 184.

The sums which may be paid for burial of paupers are increased. St. 1890, 71.

SECT. 18. Period for which aid may be furnished increased. St. 1891, 90, § 1.

SECTS. 18, 21, 35 amended. St. 1886, 101, § 4.

SECT. 20. Towns and cities may contract with hospitals for temporary care of the unfortunate and sick. St. 1890, 119.

SECT. 21. See 1883, 232.

SECT. 29. Removal by overseers to be made within one month after notice. St. 1891, 90, § 2.

Chapter 85. — Of the Maintenance of Bastard Children.

SECT. 1. Clerk of court may receive complaint and issue warrant. St. 1885, 289.

SECT. 2 amended. St. 1886, 101, § 4.

SECT. 6. Accused may be committed until bond be given. Provision for approval of bond. St. 1891, 367.

Chapter 86. — Of Alien Passengers and State Paupers.

SECT. 1 amended. St. 1886, 101, § 4.

SECT. 13. A new board for both almshouse and workhouse is established and regulated. Sts. 1884, 297; 1891, 299.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, 278.

SECT. 21. Change made in persons who may give certificates. St. 1891, 84.

SECT. 22 *et seq.* The removal of sick paupers is regulated. St. 1887, 440. (See 1885, 211.)

SECT. 25. Further provisions as to notice in case of persons too sick to be removed. St. 1885, 211.

SECT. 26. Further requirements as to bills charged to the Commonwealth. Sts. 1885, 211; 1891, 153.

SECT. 28 was repealed by St. 1883, 239, which was again repealed and new provisions made by St. 1886, 298. (See 1884, 88.)

SECT. 31. Notice of aid must be given to State board within sixty days in order to charge the Commonwealth. St. 1885, 211.

SECT. 37 is extended to persons not being sentenced inmates. Complaints regulated. St. 1884, 258. (See 1886, 101, § 4.)

SECT. 39. Board of lunacy and charity may remove pauper lunatics to asylum at State almshouse. St. 1888, 69.

SECT. 44 *et seq.* New provisions made as to reception and care of children. Sts. 1882, 181; 1883, 232; 1886, 330; 1888, 248.

A limited number of children afflicted with epilepsy or chronic disease may be placed in hospital cottages at Baldwinville, which are aided, and State trustees are provided for. Sts. 1887, 441; 1889, 230; 1890, 354; 1892, 407. (See Res. 1888, 91.)

Chapter 87. — Of Lunacy and Institutions for Lunatics.

SECTS. 1, 29 amended. St. 1886, 101, § 4.

SECT. 2 *et seq.* Additional hospital accommodations provided for at Westborough; St. 1884, 322. In eastern Massachusetts; St. 1890, 445. At Medfield and Dover; St. 1892, 425. A hospital for male dipsomaniacs and inebriates; Sts. 1889, 414; 1890, 251; 1891, 158. (See 1885, 339. Res. 1892, 33, 50, 55.)

SECT. 4. Number of trustees increased. St. 1884, 149.

SECT. 6 *et seq.* At all State institutions for the insane provision shall be made for fire escapes and apparatus. St. 1890, 378.

SECT. 7. Female assistant physicians provided for. St. 1884, 116.

SECT. 9. Time of meeting and of report changed. St. 1887, 170.

SECT. 11 *et seq.* Further provisions as to commitments and custody of insane. Sts. 1884, 234, 322, §§ 7, 9; 1885, 339, 385; 1886, 319; 1887, 346; 1889, 90, 414; 1890, 414; 1891, 158; 1892, 53, 229.

SECTS. 11, 37, 46. Cities of over fifty thousand inhabitants may establish asylums for chronic insane. St. 1884, 234.

Chronic and quiet insane may be cared for in private families. St. 1885, 385.

SECT. 13. See St. 1892, 229.

SECT. 15. See St. 1884, 322, § 7.

SECT. 21. Fees as witnesses of salaried officers regulated. St. 1890, 440.

SECT. 25. Application shall be made in case of any insane person deprived of proper treatment. St. 1890, 414, § 1.

SECTS. 32-34. Commonwealth shall pay for support of certain criminals committed to insane hospitals. Sts. 1888, 148; 1889, 90.

Provision to reimburse towns in certain cases. St. 1892, 243.

SECT. 37. Name of temporary asylum changed. St. 1887, 239.

SECT. 38 *et seq.* The transfer of the insane regulated. Sts. 1884, 234, § 3, 322, §§ 7, 9; 1885, 339, §§ 2, 3, 385; 1886, 319; 1887, 346, § 2; 1889, 414, § 16; 1890, 414.

SECT. 40. Superintendents may be authorized to discharge patients and may allow temporary absences. St. 1883, 78. (See 1885, 239, § 3; 1886, 319.)

SECT. 46 *et seq.* Overseers of the poor shall not commit or detain recently insane persons in an almshouse without remedial treatment. They must give notice to the State board of the admission and discharge of the insane. Sts. 1886, 319, § 3; 1890, 414.

SECTS. 47-49 are repealed. The asylum at Ipswich is discontinued. St. 1887, 207. (See 1890, 445.)

SECT. 50. See St. 1887, 367.

SECT. 55 *et seq.* Name changed to "school for the feeble-minded." Regulations revised. Sts. 1883, 239; 1884, 88; 1886, 298. The allowance is increased. St. 1887, 123. (See 1886, 298.)

Chapter 88. — Of the State Workhouse.

Name changed to "State farm." St. 1887, 264.

A new board is established. Sts. 1884, 297; 1891, 299. (See 1883, 279; 1887, 264.)

SECT. 4 amended. St. 1886, 101, § 4.

SECTS. 5-8. Persons not being sentenced inmates, who escape and within one year are found begging, may be punished. St. 1884, 258.

Provision made for transfer of prisoners to and from the State farm. Sts. 1884, 297; 1887, 292, 375; 1890, 180, 278.

Chapter 89. — Of the State Primary and Reform Schools and the Visitation and Reformation of Juvenile Offenders.

SECTS. 1, 8. Name of reform school changed to Lyman school; and authority of trustees extended and commitments regulated. Sts. 1884, 323; 1885, 86, 151. (See 1884, 255, § 11.)

SECTS. 4, 5. Provision made for care and maintenance of pauper children between the ages of three and sixteen having no settlement. St. 1882, 181, § 2.

SECTS. 5, 7 amended. St. 1886, 101, § 4.

SECT. 15 *et seq.* Girls committed by United States courts are to be sent to the State industrial school for girls. St. 1887, 426, § 2.

Arrests and commitments of children regulated. Sts. 1882, 127; 1883, 110; 1884, 255, § 11, 323, § 3; 1888, 248.

No boy over fifteen shall be committed to the Lyman school. St. 1884, 255, § 11, 323, § 3.

SECT. 18. Summons to be issued to children under twelve. St. 1882, 127, § 3.

SECT. 20. New provision made as to notice of complaint. St. 1883, 110.

SECT. 33. Fees and charges of salaried officers regulated. Sts. 1889, 469; 1890, 440.

SECT. 45. Trustees may discharge boys for mental incapacity or bodily infirmity. St. 1889, 123.

SECTS. 49, 51 repealed. St. 1888, 248, § 2. (See 1882, 181, § 3; 1887, 266.)

Chapter 90. — Of Contagious Diseases among Cattle, Horses and Other Domestic Animals.

A new board of cattle commissioners is established. Sts. 1885, 378; 1887, 252.

This chapter is repealed and revised. St. 1887, 252. (See 1884, 232; 1885, 148, 378; 1887, 250; 1892, 195.)

Provision for suppression of pleuro-pneumonia. St. 1887, 250.

Chapter 91. — Of Inland Fisheries and Kelp.

Fishing is regulated in various places: Barnstable county; Sts. 1884, 264; 1887, 120. (See 1885, 193; 1886, 202.) Berkshire; 1888, 276; 1890, 193. Bourne; 1891, 164. (See 1889, 202.) Bristol; 1882, 189. Buzzard's bay; 1884, 214, § 2; 1886, 192; 1887, 197; 1891, 327. Dukes; 1884, 245. (See 1882, 102.) Edgartown; 1882, 65; 1885, 247; 1891, 52. Essex; 1888, 126. Marion; 1892, 188. Mashpee; 1884, 264; 1892, 196. Mattapoisett; 1892, 186. Merrimack river; 1882, 166; 1883, 31, 121; 1884, 317. Nantucket; 1891, 128. (See 1888, 238.) Plum Island bay (tributaries); 1887, 105; 1890, 30. Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. (See 1883, 76.) Randolph; 1889, 78. Wellfleet bay; 1891, 135. Westport; 1887, 193; 1891, 137. (See 1882, 65; 1885, 247.)

Commissioners may forbid discharge of sawdust from a mill into a brook. St. 1890, 129.

The catching of pickerel is restricted. St. 1888, 331.

Squam pond, Gloucester, granted to United States fish commission for ten years. St. 1892, 43.

Provision made for protection of traps, trawls and seines. St. 1882, 53.

A bounty provided for destruction of seals. Sts. 1888, 287; 1892, 234.

SECTS. 10-24. Use of nets in ponds restricted. St. 1884, 318.

An act for the protection of great ponds. St. 1883, 318.

SECT. 12. The provisions for leasing great ponds are repealed. St. 1885, 109. (See 1889, 354.)

SECT. 16. Proceedings against defaulting lessees regulated. St. 1886, 248.

SECT. 17. See St. 1886, 248, § 2.

SECT. 25. Provision for flowing lands in Barnstable for fish culture. St. 1889, 383.

SECT. 31. Rights of riparian proprietors extended. St. 1890, 231.

SECTS. 36, 39. Use of nets and seines in Merrimack river regulated. Sts. 1882, 166; 1883, 31, 121; 1884, 317. (See 1882, 53.)

SECT. 41. See St. 1884, 199.

SECTS. 51-53. Close time for trout, land-locked salmon and lake trout established. Sts. 1884, 171; 1888, 276; 1890, 193; 1891, 138.

Sale of trout less than six inches in length forbidden. St. 1892, 252.

SECT. 55. See St. 1888, 126.

SECTS. 57, 59. Smelt fishery regulated in certain waters. Sts. 1887, 105; 1890, 30; 1891, 128.

SECTS. 68, 69. Cities and towns may regulate or prohibit taking of eels and shell-fish. St. 1889, 391. (See 1889, 64; 1892, 186, 188.)

SECT. 70. Rights acquired under this section not affected by Sts. 1886, 192; 1887, 197; 1890, 229; 1891, 327.

SECTS. 73, 74 apply to owners of traps or contrivances for catching lobsters. St. 1889, 109.

SECT. 76. See Sts. 1882, 102; 1884, 245, 264; 1887, 120.

SECTS. 81 *et seq.* Provisions for protection of lobsters. Sts. 1882, 98; 1884, 212; 1885, 256; 1887, 314; 1889, 109; 1890, 293; 1891, 122; 1892, 403.

SECT. 85. See St. 1887, 314, § 2.

SECTS. 93, 94. The planting and taking of oysters are regulated. Sts. 1884, 284; 1885, 220; 1886, 299. Taking oysters restricted in Westport; St. 1887, 119. In Yarmouth; St. 1892, 74.

The planting and digging of clams are regulated in certain places. Sts. 1888, 198, 202; 1889, 64.

SECT. 95. The taking of scallops regulated in certain places. Sts. 1887, 96; 1888, 223; 1892, 88. (See 1885, 220, §§ 3, 4.)

SECTS. 97-101 extended to waters where there are no natural oyster beds. St. 1884, 284.

Use of dredge, tongs, etc., on private oyster beds forbidden without consent of owners. St. 1885, 220, § 5.

The granting of oyster licenses regulated. Sts. 1885, 220; 1886, 299. (See 1884, 284.)

SECT. 104. Payment of fines and forfeitures regulated. Sts. 1887, 314, § 2; 1890, 390, § 3.

Chapter 92. — Of the Preservation of Certain Birds and Other Animals.

This chapter is repealed and revised. Sts. 1886, 276; 1887, 300; 1888, 292; 1891, 254; 1892, 102. (See 1882, 199; 1883, 36; 1884, 282, 308; 1886, 246; 1887, 211; 1890, 237.)

Provision made for protection of game and prevention of trespass on private land. Sts. 1884, 308; 1890, 403, 410. (See 1886, 276, § 4.)

Liberating a fox or raccoon in Dukes county is prohibited. Provision for a reward for their destruction. St. 1890, 237.

SECTS. 1, 2. The close time for grouse, woodcock, quail and ducks is

regulated. Killing pinnated grouse at any time forbidden. St. 1891, 142. (See 1883, 36; 1886, 276, § 1; 1888, 292; 1890, 249.)

SECT. 3. Shooting black duck in Plymouth bay and harbor regulated. St. 1888, 269. Shooting wild fowl from boats in waters of Nantucket is forbidden. St. 1886, 246.

Pursuit of wild fowl with a boat propelled by any other means than sails, oars or paddles is prohibited. St. 1892, 102. (See 1886, 246, 276.)

SECT. 6. Provision made for extermination of the English sparrow. St. 1890, 443. (See 1883, 36; 1886, 276, § 11.)

SECT. 7. Trapping or snaring of certain game and use of ferrets are made offences. Sts. 1886, 276, § 6; 1887, 300; 1891, 254. (See 1884, 308.)

SECTS. 8-10. Further provision for protection of deer. Sts. 1882, 199; 1883, 169.

Chapter 94. — Of Timber afloat or cast on Shore.

Floating of timber in Connecticut river regulated. Sts. 1882, 274; 1883, 183.

Chapter 97. — Of Wrecks and Shipwrecked Goods.

This chapter is revised. St. 1887, 98. (See 1883, 260; 1885, 341.)

Provision made for removal of wrecks and obstructions in tide-waters. St. 1883, 260.

Chapter 98. — Of the Observance of the Lord's Day.

The provisions of this chapter are not a defence to actions for injuries to a traveller on the Lord's day. St. 1884, 37.

SECTS. 1, 2 amended and section 3 repealed. Attending games, etc., on Saturday night is not forbidden, and certain kinds of work and business are permitted on Sunday. St. 1887, 391. (See 1886, 82.)

SECTS. 13, 15 amended. St. 1887, 391, § 3.

Chapter 99. — Of Gaming.

Provision made for recovery of payments, etc., made on wagering contracts in securities and commodities. St. 1890, 437. (See 1892, 138.)

Provision is made for the removal of certain obstructions in gambling resorts. Sts. 1887, 448; 1892, 388. (See 1883, 120.)

SECT. 8 amended and provisions in regard to pool selling and registering bets extended. St. 1885, 342.

SECT. 10. The provisions against common gaming houses are revised and extended. Sts. 1883, 120; 1887, 448, § 2.

Chapter 100. — Of Intoxicating Liquors.

The disposal or placing on file of liquor cases is restricted. St. 1885, 359.

No person under eighteen shall be employed to serve liquor. St. 1890, 446.

Provision is made to prevent sale of liquor in clubs. St. 1890, 439. (See 1887, 206.)

SECTS. 2, 3, 5, 8, 10. Sales by retail druggists and apothecaries regulated. St. 1887, 431.

SECT. 5 *et seq.* The granting of licenses is further limited and regulated. Sts. 1882, 220, 222, 259; 1883, 93; 1885, 83, 323, § 2; 1887, 431; 1888, 139, 262, 340, 341; 1889, 270, 361; 1890, 446.

Transfer of locality of licenses provided for. St. 1889, 344.

Voting on license question regulated. Sts. 1890, 423, §§ 81-86; 1892, 224. (See 1884, 299, §§ 22-26; 1885, 262; 1886, 49; 1887, 443; 1888, 434.)

SECT. 7. Objection may be made by owner of real estate within twenty-five feet of the premises. St. 1887, 323.

SECT. 9. Sales at night regulated. Sts. 1882, 242; 1885, 90.

Cl. 4 extended to persons supported by public charity. St. 1884, 158.

Cl. 5 revised. Selling liquor at a table in a bar-room prohibited. St. 1891, 369.

SECT. 10, cls. 1-5. Sale or delivery is forbidden on election days and certain holidays. Sts. 1885, 216; 1888, 254, 262; 1889, 347, 361. (See 1885, 90; 1889, 186.)

And may be forbidden in cases of riot or great public excitement. St. 1887, 365.

Cls. 1-3. No license of these classes shall be for a building within four hundred feet of a public school. St. 1882, 220.

Cls. 1-5. No license of the first five classes shall be granted to be exercised in a dwelling-house or a store having interior connection with a dwelling. St. 1888, 139.

Number of places to be licensed limited. St. 1888, 340.

Provision made for licenses in towns which are summer resorts. Sts. 1888, 340; 1892, 280.

No license except of the sixth class shall be granted to retail druggists and registered pharmacists. Sts. 1887, 431; 1889, 270.

SECT. 11. The minimum fees are increased. St. 1888, 341.

SECT. 12. View of interior of the premises must not be obstructed. St. 1882, 259.

SECT. 13. Further requirements of sureties provided for. St. 1882, 259. The form of bond is changed. St. 1888, 283.

SECT. 16. Licensee shall be void on conviction of violation of any provision of the liquor laws. St. 1887, 392.

SECT. 18 is extended to common victuallers. St. 1882, 242. The penalties are modified. St. 1889, 114. (See 1889, 268.)

SECT. 24. Sales to a minor for his own or any other person's use are forbidden. St. 1889, 390.

Sale to children under sixteen of candy, or other article, enclosing a liquid containing more than one per cent. of alcohol is forbidden. St. 1891, 333.

SECT. 25 is extended to sales by druggists except on physicians' prescriptions. The mayor or selectmen may give the notice and sue for benefit of husband, wife, child, parent or guardian. St. 1885, 282.

SECT. 26. Additional facts made *prima facie* evidence. St. 1887, 414.

SECT. 27 is revised and new definition made. St. 1888, 219.

SECT. 29. The inspection and analysis of liquors regulated. St. 1882, 221.

Salary of inspector and assayer fixed. St. 1887, 232. (See 1885, 224; 1886, 175.)

SECT. 30. A search warrant may be issued by a justice authorized to issue warrants in criminal cases. St. 1884, 191. (See 1884, 286.)

SECTS. 30, 33. Implements of sale and furniture used or kept to be used for illegal keeping or sale of liquor may be seized, and may be destroyed or sold as court may order. Sts. 1887, 406; 1886, 297.

SECT. 38. Provision made for disposition of forfeited liquors. Sts. 1887, 53, 406; 1888, 297.

SECT. 40. Costs increased in certain cases. St. 1888, 277.

SECT. 45. Clubs may be licensed. St. 1887, 206. (See 1890, 439.)

Chapter 101. — Of the Suppression of Common Nuisances.

SECT. 6. Provision for suppression of nuisances under this section. St. 1887, 380. (See 1887, 206.)

St. 1887, 414, applies to cases under this chapter. St. 1887, 414, § 3. Additional costs allowed in certain cases. St. 1888, 277.

Chapter 102. — Of Licenses and Municipal Regulations of Police.

Provision made for registration and licensing of plumbers, and inspection of their work and materials. Sts. 1882, 252, § 2; 1888, 105.

And for licenses for infant boarding-houses. St. 1892, 318. (See 1882, 270, § 3; 1889, 309, 416; 1891, 194.)

SECT. 4. Time of grant and expiration of licenses changed. St. 1890, 78.

SECTS. 12, 15. Liability of innholders further limited. St. 1885, 358.

SECT. 13 extended to boarding-houses. St. 1883, 187. Maximum fine decreased. St. 1884, 169.

SECT. 33. Articles of personal apparel are not to be deemed perishable within the meaning of this section. St. 1884, 324.

SECTS. 33-37. The business of making loans on articles of personal use or ornament is regulated. St. 1890, 416. (See 1885, 252; 1888, 388; 1892, 428.)

SECT. 34. St. 1888, 388, does not apply to licensed pawnbrokers and does not affect this section. St. 1890, 416, § 6.

SECT. 35. Any district police officer may enter and examine pawnshops. St. 1888, 243.

SECT. 39. Provision for licenses for stables for more than four horses. Sts. 1890, 230, 395; 1891, 220. (See 1889, 89.)

No livery stable to be within two hundred feet of a church, etc., without consent of the society worshipping therein. St. 1891, 220, § 2.

SECTS. 40-53 repealed so far as they relate to the city of Boston and other provisions made. St. 1892, 419.

SECT. 54. Cities and towns may regulate sale or use of toy pistols, toy cannon and articles in which explosives are used. St. 1882, 272.

Fire-arms or dangerous weapons may not be sold or furnished to persons under fifteen. St. 1884, 76.

SECT. 56. Provision made for notice to chief engineer, etc., of place of storage of gunpowder and explosive compounds. St. 1882, 269.

SECTS. 69-75. Regulations for preparation, storage, inspection and sale of kerosene and petroleum products. St. 1885, 98, 122. (See 1882, 250.)

SECTS. 80-84. The licensing of dogs is further regulated. Sts. 1885, 292; 1886, 259; 1887, 135, 307; 1890, 72.

The keeping of blood-hounds and other like dogs forbidden. St. 1886, 340. Certain exceptions made. St. 1892, 50.

Special licenses may be granted for breeding purposes. St. 1887, 307.

Bond required to account for receipts from dog licenses. St. 1888, 320. Time for payment of such receipts changed. St. 1886, 259.

SECT. 83 amended. St. 1886, 101, § 4.

SECT. 86. Provision for recording licenses in cases of transfer. St. 1884, 185.

SECT. 98 *et seq.* The law as to damages to domestic animals, etc., by dogs is revised. St. 1889, 454. (See 1886, 259.)

SECTS. 115-127. Provision for licensing skating rinks. St. 1885, 196. And picnic groves. St. 1885, 309. (See 1887, 445.)

Admission of children to places of amusement regulated. St. 1887, 446.

SECTS. 116-119. Municipal, district and police courts have jurisdiction under these sections. St. 1887, 293.

SECT. 124. Rate and manner of payment for these licenses changed. St. 1882, 258.

Hawking and peddling restricted, and gaming, horse racing and shows forbidden within one-half mile of licensed groves for picnics, etc. St. 1887, 445. (See 1885, 309.)

Chapter 103. — Of the District and Other Police.

Special officers appointed in an emergency must be residents of the State. St. 1892, 413.

The district police is divided into an inspection and a detective department. St. 1888, 113.

Police matrons required in certain cities. Sts. 1887, 234; 1888, 181.

SECT. 1. Number of district police increased. Sts. 1885, 131; 1887, 256; 1888, 389, 426, § 13; 1891, 302, 357, § 6.

The requirement of an examination by a justice is repealed. St. 1885, 186. (See 1884, 190.)

SECT. 3. Clerks provided in chief's office and their salaries fixed. Sts. 1890, 137; 1892, 249.

SECT. 5. Salaries fixed. Sts. 1887, 127; 1892, 128.

SECT. 9. Two female inspectors provided for. St. 1891, 302.

SECT. 10. Duties of inspectors extended. Sts. 1887, 218; 1888, 149, § 3, 316, 399, 426. (See 1882, 266, § 6; 1887, 219; 1890, 438; 1891, 261, 357.)

An appeal is given from certain orders of inspectors. Sts. 1890, 438; 1891, 261.

SECT. 11. See Sts. 1886, 260, § 3; 1890, 83.

SECT. 15. Railroad police shall be sworn. Tenure of office regulated. St. 1883, 65. They are to be paid no witness fees in certain cases. St. 1890, 440, § 9.

Chapter 104. — Of the Inspection of Buildings.

The height of buildings in cities is restricted. St. 1891, 355.

SECTS. 4-12. Provision made for inspection and proceedings under these sections. St. 1888, 149, 316, 399, 426.

SECT. 6. Provision for appointment of officers where there is no engineer. St. 1888, 399, § 3.

The erection and construction of buildings to be used for certain public purposes are regulated. St. 1888, 316, 426. (See 1882, 208, 266; 1883, 251; 1884, 223; 1885, 326; 1886, 173; 1887, 218; 1890, 179.)

Building law for Boston. St. 1892, 419.

SECT. 8. Appeal given from orders of district police inspectors. Sts. 1890, 438; 1891, 261.

SECT. 12. Superior court given concurrent jurisdiction. St. 1891, 293.

SECTS. 13-24. In manufacturing establishments run by steam the engineer's room must, if required by inspector, have means to communicate with machinery rooms, and to control the power. Sts. 1886, 173; 1890, 179.

SECT. 14. Extended to mercantile and public buildings. St. 1882, 208.

The use of elevators is further regulated. Sts. 1882, 208; 1883, 173; 1890, 90.

SECTS. 15-20 are repealed and the provisions for precautions against fires revised and extended. Sts. 1882, 251, 266; 1884, 52, 54, 223; 1888, 86, 426; 1890, 307. (See 1888, 207.)

SECT. 19. No inside or outside door of factory, etc., shall be fastened during working hours. St. 1884, 52.

SECT. 20. Theatres must have approved fire-resisting curtains. St. 1888, 426, § 1.

Public buildings and school-houses must have proper sanitary provisions and ventilation. St. 1888, 149. (See 1891, 261.)

Provision for securing proper sanitary precautions in factories and workshops. Sts. 1887, 103, § 3, 173; 1888, 305.

SECT. 23 is revised. St. 1887, 276. (See 1882, 266, § 4; 1887, 219; 1888, 426.)

SECT. 24 is made to apply to sections 16 to 21. St. 1882, 266, § 5.

Chapter 105. — Of Certain Powers, Duties and Liabilities of Corporations.

Change of name of corporations, subject to provisions of chapters 106-119, provided for. Sts. 1891, 360; 1892, 198, 201.

Conditions prescribed for foreign corporations doing business here. Sts. 1884, 330; 1887, 214, §§ 77-88, 91, 92; 1888, 429; 1889, 45, 356, 427; 1890, 190, 310, 329; 1891, 275, 341. (See 1882, 106; 1883, 74; 1886, 230; 1888, 321; 1890, 304, 315; 1891, 368, 382; 1892, 129.)

Returns to be made by foreign corporations. Sts. 1882, 106; 1884, 330, 1886, 230; 1891, 341. (See 1890, 199.)

Assuming the name of another corporation, or a similar name, is restricted. St. 1891, 257. (See 1888, 413, § 27, 429, § 2.)

Issuing obligations, to be redeemed in numerical or arbitrary order of precedence, is prohibited. St. 1891, 382.

Provision made to enable foreign manufacturing corporations to purchase and hold real estate here. St. 1888, 321.

Provision for insolvency proceedings by or against certain foreign corporations. St. 1890, 321.

Safe deposit, loan and trust companies are subject to the duties, restrictions and liabilities set forth in this chapter. St. 1888, 413. (See 1887, 89; 1889, 342, 452; 1890, 315.)

SECTS. 14, 15 are repealed, but officers may be removed for previous violations of section 14. St. 1889, 222.

SECT. 21. Stockholder may require list of stockholders filed in office of secretary of the Commonwealth. St. 1889, 222, § 3.

SECT. 24. No record is necessary for the transfer of stock. St. 1884, 229.

SECT. 28. See Sts. 1884, 268, 330; 1890, 321.

SECT. 42. The time limit is stricken out. St. 1884, 203.

Chapter 106. — Of Manufacturing and Other Corporations.

Corporations created under this chapter may issue special stock, to be held by their employees only. St. 1886, 209.

Manufacturing corporations may support free beds in hospitals for use of their employees. St. 1889, 258.

SECTS. 3, 4, 51. Corporations governed by these sections may change their business under section 51. St. 1885, 310.

SECT. 6 *et seq.* Corporations to examine and guarantee titles of real estate are authorized and regulated. Sts. 1884, 180; 1887, 214, §§ 62, 63. And for the cremation of the dead. St. 1885, 265. (See 1886, 101, § 4; 1888, 306, § 2.)

SECT. 11 extended to hydrostatic pressure for mechanical power. St. 1891, 189.

SECTS. 11, 52, 75 extended to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 13 extended to include buildings for manufacturing and mechanical purposes. St. 1888, 116.

SECT. 17. Method established for change of name of corporations, subject to provisions of chapters 82, 106–119, and acts amendatory thereof. Sts. 1891, 360; 1892, 198, 201.

SECT. 27. Clause as to proxy or attorney casting more than fifty votes is repealed. St. 1888, 188. (See 1889, 222.)

SECTS. 51, 52. Gas companies may be authorized to furnish electric light and power. St. 1887, 385. (See 1885, 240.)

SECTS. 54, 55, 59, 81, 82, 84. All corporations, with certain exceptions, are subject to these sections and must make the certificates and returns therein required. St. 1887, 225.

Any stockholder may require a list of stockholders to be filed. St. 1889, 222, § 3.

The certificates are deemed to be recorded by the act of filing. They are to be preserved in book form. St. 1890, 199.

SECTs. 62-71 apply to mortgage loan and investment and safe deposit, loan and trust companies. St. 1888, 387, § 11, 413, § 14.

SECT. 75 *et seq.* A board of gas and electric light commissioners is established, and the business of the companies is regulated. Sts. 1885, 240, 314; 1886, 250, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169; 1890, 252; 1891, 351, 370; 1892, 67, 259, 263, 274.

Chapter 107. — Of Swine Slaughtering Associations.

SECT. 2 is amended. St. 1886, 101, § 4.

Chapter 109. — Of Companies for the Transmission of Intelligence by Electricity.

This chapter, except sections 16 and 18, applies to lines for electric light. St. 1883, 221. The erection and use of wires are regulated. Sts. 1883, 221; 1884, 302, 306; 1885, 267, 380; 1887, 382, 385; 1889, 398, 434.

Provision made for regulation and supervision of wires over streets or buildings in cities. St. 1890, 404. (See 1884, 302, 306; 1887, 382, 385; 1889, 398, 434.)

All provisions of law granting authority to erect, lay and maintain, and to regulate, telegraph and telephone lines, apply to all corporations and persons having authority to place posts, wires, etc., in streets for any purpose, and to all telephone lines, electric or otherwise. St. 1889, 398, 434.

SECT. 4 amended. Abutters may have damages for erection or alteration of telegraph, telephone and electric light and power lines along highways. St. 1884, 306. (See 1884, 302.)

SECT. 10. Telephone companies must furnish service without discrimination. St. 1885, 267.

Telegraph companies are made liable to amount of \$100 for damages caused by negligence in transmitting messages. St. 1885, 380.

SECTs. 12, 15. Wires may not be put on another's property without his consent. St. 1884, 302. (See 1884, 306.)

Electric light or power companies are authorized to mortgage property to secure bonds. St. 1890, 371.

Chapter 112. — Of Railroad Corporations and Railroads.

The operation of railroads by electricity is authorized. St. 1892, 110.

Railroad corporations are required to issue mileage tickets which shall be accepted on all railroad lines in the State. St. 1892, 389.

The issuing of free passes to members of the legislature, the executive, the judiciary and certain others is forbidden. St. 1892, 59.

Railroad companies may join relief societies of employees. Sts. 1882, 244; 1886, 125. (See 1887, 270, § 6; 1890, 181.)

The Meigs system of elevated railways may be used on certain conditions. St. 1890, 368.

SECTS. 10-12. Salaries fixed: Clerk; St. 1885, 119. Accountant; 1885, 164. Salaries are to be paid monthly St. 1885, 224. Allowance made for books, maps and incidentals. St. 1890, 200.

SECTS. 16, 17. Commissioners may regulate or forbid occupation of street crossings and direct changes in tracks for that purpose. Sts. 1885, 110; 1890, 382; 1892, 228.

They may order crossings maintained to give access to lands cut off by railroads. St. 1892, 171.

SECT. 26. The time of return is changed and provision made for change in form of return. St. 1889, 328. (See 1889, 241.)

SECT. 34. The commissioners must certify that public necessity requires the construction, before organization of a railroad company under the general law. St. 1882, 265, § 1.

SECT. 38 *et seq.* No steam railroad may be located within three miles of the State house except on certain conditions. St. 1882, 265, § 4. (See 1884, 279.)

Railroad corporations may change their locations to improve the alignment of their roads. St. 1887, 430. (See 1882, 149; 1884, 134.)

SECT. 44. The proceedings are void unless certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, 265, § 2.

SECT. 54. Clause prohibiting the casting of more than fifty votes by a proxy or attorney is repealed. St. 1888, 188.

SECT. 56. Delivery of written transfer sufficient. St. 1884, 229.

SECTS. 58-60. Street railway companies may increase their capital to adopt the cable system. St. 1886, 337, § 3.

SECT. 62. Provision made for ratification of notes or bonds not approved or certified as required in this section. St. 1883, 7. The bonds may run fifty years. St. 1887, 191.

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees and successors have the same powers and duties as the original corporation. St. 1886, 142.

SECTS. 63-70. Street railway companies may issue bonds, and these sections shall apply. Sts. 1889, 316; 1892, 192.

SECT. 81 *et seq.* The form and time of returns are established. St. 1889, 241, 328. (See 1887, 225.)

SECT. 82 is applied to street railway companies. St. 1892, 254.

SECT. 89. Time of notice to and filing of location by railroad corporations under St. 1878, 135, § 1, is changed. St. 1882, 149.

SECT. 91 is revised. Land may be taken outside of the location for one or more tracks, subject in some cases to certain conditions. St. 1884, 134. (See 1882, 149; 1887, 430.)

SECT. 115. The power to exempt from the duty to fence is transferred to the railroad commissioners. Proceedings to revoke exemptions regulated. St. 1882, 162.

SECT. 117 *et seq.* No right of way across any railroad track or location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

SECTS. 117-138. Wood which obstructs view at crossings may be cut. St. 1889, 371. These sections are not affected by St. 1891, 170.

Railroad companies must maintain crossings to give access to lands cut off by their road-beds. St. 1892, 171.

SECT. 127. The commissioners may forbid or regulate the occupation of street crossings. Sts. 1885, 110; 1890, 382; 1892, 228.

SECTS. 128, 148, 160. Provision is made for examination of railroad bridges. St. 1887, 334.

SECT. 129. Commissioners may act on petition of twenty voters. St. 1885, 194, § 1.

SECTS. 129-134. Pub. Stat., ch. 51, applies to alterations of ways at railroad crossings. St. 1884, 280.

Provision is made for the abolition of grade crossings. Sts. 1885, 194; 1887, 295; 1890, 428; 1891, 33, 123, 262; 1892, 312. (See 1882, 135.)

SECT. 138. Appeal provided from decision of the county commissioners. St. 1882, 135. (See 1885, 194, § 6; 1890, 428, § 12.)

SECT. 139. Clause forbidding branches within eight miles of the State house is stricken out. St. 1884, 279. (See 1882, 265, § 4.)

SECT. 148. Railroad drawbridges over Charles river regulated. Sts. 1889, 246; 1890, 118.

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, 120.

SECT. 161. Provision made for interlocking or automatic signals at railroad crossings. Sts. 1885, 85; 1891, 129.

SECT. 163 *et seq.* The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, 334.

May require signals at crossings above level of highway. St. 1891, 129.

May recommend changes in making up freight trains and sounding whistles. St. 1891, 204.

At least three separate and distinct blasts of the whistle are required at crossings. St. 1890, 173.

SECT. 166. The railroad commissioners may require gates, flags or electric signals at crossings. Sts. 1883, 117; 1888, 240.

SECT. 170. Locomotive boilers must be tested. St. 1882, 73.

Safety couplers are required on freight cars, and they must be examined and tested every two years. Sts. 1884, 222; 1886, 242.

SECT. 171. Additional tools and safeguards against fire required. St. 1882, 54. (See 1887, 362; 1891, 249.)

SECT. 172. The heating of passenger cars is regulated. Sts. 1887, 362; 1891, 249.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, 125.

SECT. 180. Interchangeable mileage tickets are required. St. 1892, 389. Extra fare paid on trains regulated. St. 1883, 32.

SECTS. 181-183. Railroad corporations shall not require women and children to ride in smoking cars. St. 1888, 176.

SECT. 188. Unreasonable preferences in freight charges are forbidden. St. 1882, 225. (See 1882, 94.)

SECT. 204. The maximum penalty for placing obstructions on railroad tracks is increased. St. 1890, 332.

SECT. 205. The unlawful use, removal or tampering with the tools,

etc., required to be carried on passenger trains is made an offence. St. 1882, 54, § 2.

SECT. 207. Word "electric" stricken out. St. 1884, 5.

SECT. 212. Employees are included under this section. St. 1883, 243. They may sue for damages. Sts. 1887, 270; 1888, 155; 1892, 260.

An action of tort may be brought against street railway corporations for loss of life. St. 1886, 140.

SECTS. 223, 224. When their consent is required the commissioners may regulate tracks at crossings by a railway for private use. St. 1890, 382.

Chapter 113. — Of Street Railway Companies.

This chapter applies to companies using the cable system. St. 1886, 337, § 4.

Liability for injuries regulated. Sts. 1886, 140; 1887, 270; 1888, 155; 1892, 260.

Street railway companies may issue mortgage bonds in certain cases and Pub. Sts., ch. 112, §§ 63-70, apply. Sts. 1889, 316; 1892, 192.

They may join relief societies of employees. St. 1890, 181. (See 1882, 244; 1886, 125; 1887, 270, § 6.)

SECT. 12. Clause as to proxy, etc., casting more than fifty votes repealed. St. 1889, 210. (See 1884, 229; 1889, 222.)

SECTS. 13-18. Further provisions made as to increase and reduction of capital stock. Sts. 1886, 337; 1887, 366; 1890, 326.

May increase stock to adopt cable system. St. 1886, 337.

SECT. 19 *et seq.* The Meigs system may be used on certain conditions. St. 1890, 368. Or the cable system. St. 1886, 337.

SECT. 27 *et seq.* Children under ten not to be permitted to enter cars to sell newspapers, etc. St. 1889, 229.

The requirement of fenders under St. 1890, 364, is repealed. St. 1891, 366.

SECT. 39. Cable system may be used. St. 1886, 337. (See 1887, 413, § 4.) Electric system authorized in Boston. Sts. 1887, 413, § 4; 1890, 454, § 12.

SECTS. 40, 41. The railroad commissioners may regulate crossings by steam railroads. Sts. 1885, 110; 1892, 228. (See 1890, 382.)

SECT. 43. Railroad commissioners may require additional accommodations for the travelling public. St. 1891, 216.

SECT. 46. See 1887, 413.

SECT. 48 *et seq.* One company may not use tracks of another company unless authorized by the railroad commissioners. St. 1888, 278. (See 1887, 413.)

SECT. 58. Companies are required to contribute to expense of printing and binding their annual returns. St. 1892, 254.

SECT. 63. Superior court given concurrent jurisdiction. St. 1891, 293.

Chapter 114. — Of Agricultural and Horticultural Societies.

Corporations organized under this chapter may be authorized to improve public grounds. St. 1885, 157.

"Arbor day" established. Res. 1886, 32.

SECT. 1. The bounty shall be given to the only society in a county, notwithstanding there is another within twelve miles, or the subsequent incorporation of another society in the same county. St. 1890, 297.

No agricultural society receiving a bounty can sell or mortgage its real estate except on certain conditions. St. 1890, 274.

SECT. 2. Time of filing certificate changed. The board may require other returns. St. 1891, 124.

SECT. 20 *et seq.* Entering or driving a horse that is disguised or different from the one purported to be entered, etc., to compete for a purse or premium is punishable. St. 1892, 167.

Provision made for assignment of police officers at exhibitions. St. 1892, 180.

Registration of pedigrees of horses used for breeding purposes provided for. St. 1890, 334.

Chapter 115. — Of Associations for Charitable, Educational and Other Purposes.

- Provision made for incorporation of labor and trade organizations. St. 1888, 134. (See 1892, 330.)

And for formation of relief societies of railroad, steamboat and street railway employees, in which the companies may join. Their funds are not attachable. Sts. 1882, 244; 1886, 125; 1890, 181. (See 1887, 270, § 6.)

The consolidation of masonic mutual relief associations is authorized. St. 1887, 140.

The incorporation of clubs is regulated. St. 1890, 439.

The conferring of medical degrees by corporations organized under this chapter is forbidden. St. 1883, 268.

The provisions of this chapter apply to churches incorporated under St. 1887, 404.

SECT. 3. Increase of stock and par value of shares regulated. Sts. 1888, 177; 1890, 191.

SECTS. 3-5. Corporations may be formed for life and casualty insurance on the assessment plan. St. 1885, 183, § 2. (See 1887, 214, §§ 2, 3; 1888, 429.)

SECTS. 8-12 repealed, and law as to fraternal beneficiary organizations revised. Sts. 1888, 429; 1890, 341, 400; 1891, 163; 1892, 40, 435. (See 1882, 195; 1885, 183; 1887, 140, 214; 1892, 201.)

Chapter 116. — Of Savings Banks and Institutions for Savings.

Custody of books and papers of insolvent institutions provided for. Sts. 1882, 77; 1884, 72; 1883, 258, § 2.

SECTS. 1, 2. The board increased and salaries fixed. St. 1889, 321. (See 1886, 252.)

Salaries of clerks fixed. Sts. 1882, 148; 1889, 77; 1892, 248. (See 1886, 252.)

SECT. 3. Provision made for simultaneous examinations when a savings bank and a national bank are connected. St. 1888, 51.

Duties of commissioners extended. Sts. 1888, 170; 1891, 403.

SECT. 11. Business may not be carried on here under the name of a savings bank unless by an institution incorporated under the laws of the Commonwealth. St. 1889, 452.

SECTS. 11, 18-20. The place of business is regulated. Sts. 1884, 253; 1889, 91.

SECTS. 13, 21, 23. Names of board of investment must be published twice a year. St. 1882, 50.

SECT. 14 amended. New provisions made as to treasurer's bonds. Sts. 1886, 93; 1889, 180.

SECT. 16. Notice of meeting must be both published and mailed. St. 1884, 150.

SECT. 17 amended. St. 1888, 120.

SECTS. 17, 18. Provision for forfeiture of membership for failure to attend meetings and perform duties. Sts. 1888, 96, 120; 1890, 222.

SECT. 18 amended. St. 1888, 96.

SECT. 19. Limitations of amount to be deposited and draw interest do not apply to deposits by order of a probate court under ch. 144, § 16. St. 1889, 86, 449. (See 1885, 376; 1889, 185; 1890, 408.)

Savings banks must yearly make an accurate trial balance of depositors' ledgers. St. 1889, 88.

SECT. 20. The limit of authorized investments is extended. Sts. 1883, 134; 1885, 111, 124, 348; 1886, 69, 176; 1887, 113, 196; 1888, 53, 90, 213, 250, § 2, 301, § 6; 1889, 305; 1890, 168, 298, 369, 394. (See 1882, 231; 1883, 127; 1884, 164; 1887, 423.)

Cl. 2. "Net indebtedness" is defined. St. 1883, 127.

Cl. 3 is revised and extended. Sts. 1887, 196; 1888, 213; 1889, 305.

Cl. 4 is revised. St. 1890, 168. (See 1882, 224; 1883, 202; 1886, 95.)

Cl. 6. The amount to be loaned on personal security and time of loan are limited. Sts. 1884, 168; 1886, 69. (See 1884, 56.)

Cl. 7. See Sts. 1884, 253; 1889, 91.

Cl. 8. Time for sale of real estate held by foreclosure extended. Sts. 1882, 200; 1883, 52, 248; 1886, 77.

SECT. 21. The officers may not borrow or use funds of, nor become obligors or sureties to, the bank. St. 1889, 161.

SECT. 27. Payment of extra dividends made permissive instead of obligatory. St. 1888, 355.

SECT. 29. Provision for payment of orders after death of depositor. St. 1885, 210, § 2.

SECT. 34. Deposit books must be verified every third year. St. 1888, 40. An accurate trial balance of depositors' ledgers must be made yearly. St. 1889, 89.

SECTS. 40, 41. A return must be made to commissioners, and published, of all deposits unclaimed for twenty years. St. 1887, 319.

The form and manner of verification of the reports are changed. Sts. 1888, 127; 1890, 44.

SECT. 44 is repealed and new provision made for payment of unclaimed dividends. Sts. 1883, 258; 1886, 300. (See 1882, 77; 1890, 330.)

Chapter 117. — Of Co-operative Savings Fund and Loan Associations.

The title of this chapter and name of associations changed to "Co-operative Banks." St. 1883, 98.

The business of co-operative banking is regulated. Sts. 1882, 251; 1885, 121; 1887, 216; 1889, 159, 452; 1890, 63, 243, 310; 1891, 403.

The business may not be carried on here in name of a co-operative bank unless incorporated here. St. 1889, 452. (See 1891, 403.)

The capital stock, corporate franchise and personal estate of co-operative banks are exempted from taxation. St. 1890, 63.

Co-operative banks must make an annual return under oath to the savings bank commissioners. St. 1889, 159, § 2.

Shares may be issued in name of a minor or a trustee. St. 1887, 216, § 3.

SECT. 1. The consent of the savings bank commissioners is required for the formation of co-operative banks. St. 1890, 243.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, 121, § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, 216, § 1.

SECT. 6. One person may be secretary and treasurer. St. 1885, 121, § 1.

SECT. 8. The mode of retiring shares is determined and their value. St. 1887, 216, § 2. (See 1882, 251; 1883, 98; 1885, 121.)

SECT. 9. Before payment of matured shares, arrears and fines are to be deducted. St. 1882, 251, § 1. Interest is allowed for all full months from last adjustment. St. 1887, 216, § 5.

SECT. 10. Interest may be bid instead of a premium. St. 1882, 251, § 2.

Directors may loan money on shares of the corporation. St. 1890, 78.

SECT. 13. The real estate must be in the Commonwealth. St. 1889, 159, § 1.

SECT. 14. Provision for partial payments. St. 1887, 216, § 4.

SECT. 16 is revised. Sts. 1882, 251, § 1; 1885, 121, § 4.

SECT. 18. See 1885, 121, § 2.

SECT. 20. See 1891, 403.

Chapter 118. — Of Banks and Banking.

Foreign banking corporations doing business here shall indicate on their signs, letter heads, etc., the name of the State or country in which they are chartered. St. 1890, 329.

The incorporation and conduct of safe deposit, loan and trust companies are regulated. Sts. 1887, 89; 1888, 413; 1889, 342, 452; 1890, 315, 329; 1892, 327.

And of mortgage loan and investment companies. Sts. 1888, 387; 1889, 427, 452; 1890, 329; 1891, 233, 275.

A commissioner of foreign mortgage corporations is established. Sts. 1889, 427; 1891, 275.

Chapter 119. — Of Insurance Companies and Insurance.

This chapter is repealed and the insurance laws revised and codified. Sts. 1887, 214, 283; 1888, 84, 141, 151, 165, 429; 1889, 356, 378; 1890, 26, 197, 247, 304, 330, 341, 400, 421; 1891, 195, 289, 291, 368; 1892, 40, 47, 129, 372, 435. (See 1883, 33, 107, 126, 235, 258; 1884, 55, 58, 119, 120, 177, 178, 217, 235, 296; 1885, 183, 241, 300, 308, 354; 1886, 187, 222, 300.)

Domestic insurance companies may reinsure in foreign companies on certain conditions. Sts. 1891, 368; 1892, 47. (See 1887, 214, § 20; 1888, 429, § 10.)

Title insurance companies authorized and regulated. Sts. 1884, 180; 1887, 214, §§ 62-64. They may guarantee titles to personal property. St. 1889, 378.

Accident insurance companies may insure the liability of employers for injuries received by employees. St. 1889, 356. And life insurance companies may insure against accidents. St. 1891, 195. (See 1887, 214, § 80.)

Disposal of certain unclaimed funds of insolvent companies regulated. St. 1890, 330.

SECTS. 2, 4. Commissioner's salary fixed. St. 1890, 247. (See 1888, 84.) Clerks' salaries and clerical assistance. St. 1888, 84. (See 1886, 187; 1887, 214, § 5.)

SECTS. 21, 38, 167. Moneys to be paid by life or casualty insurance companies doing business on the assessment plan are made not attachable. St. 1885, 183, § 11. (See 1887, 214, § 73; 1892, 372.)

SECT. 69. Payment of dividends regulated. Sts. 1887, 214, § 38; 1891, 289.

SECT. 139. Selection of referees under standard policy regulated. Sts. 1888, 151; 1891, 291.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. Sts. 1890, 421; 1892, 435. (See 1885, 183.)

The organization and business of fraternal beneficiary associations are regulated. Sts. 1888, 429; 1890, 341, 400; 1891, 163; 1892, 40, 435. (See 1882, 195; 1885, 183; 1887, 140, 214; 1890, 421, § 1; 1892, 201.)

SECT. 156. Expense of care and custody of trust deposits is to be assessed on corporations, etc., making deposits. St. 1891, 233, § 2.

SECT. 167. See Sts. 1885, 183, § 11; 1887, 214, § 73; 1892, 372.

SECT. 173 repealed. St. 1883, 258. (See 1886, 300.)

SECT. 183 *et seq.* Provisions to prevent fraud in obtaining insurance. Sts. 1885, 183, § 12; 1887, 214, § 90; 1888, 429, § 16; 1890, 421, § 24; 1892, 372.

SECTS. 196-202. Admission of foreign companies regulated. Sts. 1887, 214, §§ 77-82, 91, 92; 1889, 356; 1890, 304; 1891, 195, 368; 1892, 40, 47. (See 1884, 120, 178.)

Chapter 120. — Of the Alienation of Real Estate.

SECT. 1 *et seq.* The recording of an instrument affecting title is made conclusive evidence of delivery. St. 1892, 256.

SECT. 4. Office copies of records may be recorded in another county or district where part of the land lies. St. 1889, 448.

Disseizin or adverse possession shall not defeat a conveyance. St. 1891, 354.

A mortgage is declared invalid against an assignee in insolvency in certain cases. St. 1888, 393.

SECT. 15. Provision for construction of words importing a want or failure of issue. St. 1888, 273.

Chapter 122. — Of Easements.

No right of way across a railroad location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

Chapter 124. — Of the Rights of a Husband in the Real Estate of his Deceased Wife, and the Rights of a Wife in that of her Deceased Husband.

SECT. 1. Words "if his wife does not otherwise provide by will," in sixth and seventh lines, and word "intestate," in eighth line, stricken out Sts. 1885, 255; 1887, 290.

SECT. 17. The claim may be determined in the probate court. St. 1889, 234.

Chapter 125. — Of the Descent of Real Estate.

SECT. 4. If the mother also is dead, the estate descends to the persons entitled by inheritance through her. St. 1882, 132.

Chapter 126. — General Provisions concerning Real Estate.

Conditions or restrictions affecting title or use of real estate, unlimited as to time, shall be construed as limited to thirty years, except in certain cases. St. 1887, 418.

Provision made for proceedings to determine validity, nature and extent of certain conditions, restrictions, etc., on real estate. Sts. 1889, 440; 1890, 427. (See 1882, 237.)

Construction placed on words importing want or failure of issue. St. 1888, 273.

SECTS. 5, 6. Conveyance or device to husband and wife creates a tenancy in common unless otherwise expressed. St. 1885, 237.

SECT. 13 extended to judgments and decrees. St. 1892, 289.

Chapter 127. — Of Wills.

SECT. 8. Marriage shall act as a revocation, except in certain cases. St. 1892, 118.

SECT. 34 repealed so far as it applies to probate courts. St. 1891, 415.

Chapter 129. — Of the Probate of Wills and the Appointment of Executors.

The probate of a will is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 1, 2. Petitions for probate must be sworn to by petitioner. St. 1891, 414.

Chapter 130. — Of the Appointment of Administrators.

SECT. 1. Petitions for letters testamentary must be sworn to by petitioner. St. 1891, 414.

SECT. 2. Provision made for granting administration without notice in certain cases. St. 1885, 260. And to any suitable person. St. 1890, 265.

A decree of intestacy is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 2, 8. Administrators may be allowed to give bond without sureties in certain cases. Failure to give a new bond when required shall be considered a resignation. St. 1885, 274.

SECT. 4. Administration may be granted for cause upon particular property more than twenty years after the person's death. St. 1889, 192. (See 1885, 242.)

SECTS. 10-17. Special administrator may be allowed to pay expenses of executor in proving the will. St. 1884, 291. (See 1884, 131.)

Chapter 131. — Of Public Administrators.

SECT. 18. Time for presenting claims under this section limited. St. 1883, 264.

Chapter 132. — General Provisions relative to Executors and Administrators.

Probate courts given jurisdiction in equity in administration of estates of deceased persons. Proceedings regulated. St. 1891, 415.

SECTS. 1-4. Provisions as to the proof of notice are revised. Sts. 1888, 148, 380; 1889, 315.

SECTS. 11-13. See St. 1889, 462.

Chapter 134. — Of Sales and Mortgages of Real Estate by Executors and Administrators.

Executors and administrators may be licensed to sell at private sale. St. 1886, 137.

Real estate appraised at \$1,500 or less may be sold for purposes of distribution. St. 1890, 266.

SECT. 13. Change in method of proof of notice. Sts. 1888, 148, 380; 1889, 315.

Chapter 135. — Of Allowances to Widows and Children and of the Distribution of the Estates of Intestates.

Provision made for a State tax of five per cent. on collateral legacies and successions, and on grants to take effect after death of grantor in estates exceeding \$10,000. Sts. 1891, 425; 1892, 379.

SECT. 3, cl. 3. Husband is entitled to one-half of the personal estate. St. 1882, 141.

Cl. 5. If intestate leaves a widow and no kindred, the widow is entitled to the whole of the residue. St. 1885, 276.

Chapter 136.—Of the Payment of Debts, Legacies and Distributive Shares.

Provision is made for a State tax on certain collateral legacies and successions and on certain grants, to take effect after death of grantor. Sts. 1891, 425; 1892, 379.

SECT. 19 *et seq.* Where a legatee is a minor without a guardian, court may order the legacy to be deposited in a savings bank under P. S., ch. 114, § 16. St. 1889, 185.

Real estate appraised at \$1,500 or less may be sold for distribution. St. 1890, 266.

Chapter 139.—Of Guardianships.

SECTS. 1-3. Certain corporations are authorized to be guardians of minors. Sts. 1885, 362; 1890, 117.

SECTS. 2-4. The probate court may require parents to contribute to support of their minor children under guardianship. St. 1891, 358.

SECT. 16 is extended to married women who are minors. St. 1890, 259.

SECT. 29 *et seq.* Guardians residing out of the State must appoint an agent here. P. S., 132, §§ 11-13, apply to them. St. 1889, 462.

Chapter 140.—Of Sales and Mortgages of Real Estate by Guardians.

SECT. 18 is extended to any interest in real estate. St. 1885, 258.

Chapter 141.—Of Trusts.

Probate courts have jurisdiction in equity over trusts created by will. St. 1891, 415.

SECTS. 4-11. Foreign trustees must have an agent here. The provisions of P. S., ch. 132, §§ 11-13, apply. St. 1889, 462.

SECT. 16 is revised. Trustee may be exempted from furnishing surety on request of parties interested. St. 1891, 339.

SECT. 23 is extended to other improvements. St. 1889, 66.

SECT. 27 is extended to trusts created under any written instrument. St. 1892, 116.

Chapter 142.—General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, Administrators, Guardians and Trustees.

A foreign guardian or trustee must have an agent here. P. S., ch. 132, §§ 11-13, apply. St. 1889, 462.

SECT. 14 is extended to administrators with the will annexed. Those claiming as legatees or devisees whose interests are affected are to be made parties. St. 1889, 266.

SECT. 23 is extended. Defective acts or proceedings may be ratified or confirmed. St. 1888, 420.

Chapter 143. — General Provisions relative to Bonds of Executors, Administrators, Guardians and Trustees.

Foreign fidelity insurance companies may be sureties, and companies may be organized here to act as sureties. St. 1887, 214, §§ 29, 61. (See 1884, 296; 1885, 241.)

Chapter 144. — Of the Accounts and Settlements of Executors, Administrators, Guardians and Trustees.

SECT. 7. Money paid with the approval of the judge for procuring surety on the bond may be allowed. St. 1886, 233. (See 1887, 214, §§ 29, 61.)

Bequests to executors in excess of a reasonable compensation are liable to the State legacy tax. St. 1891, 425, § 3.

SECTS. 13, 14 are extended to executors and administrators. St. 1889, 466.

SECT. 16. Legacies to persons whose residence is unknown, and to minors without guardians, may be deposited. Sts. 1885, 376; 1889, 185.

The amount which may be deposited and draw interest is not limited. St. 1889, 86, 449.

Provision is made for final distribution of deposits by the probate court in certain cases. Sts. 1889, 449, § 2; 1890, 408.

Chapter 145. — Of Marriage.

SECT. 11 is extended to residence here for five years unless libellant removed here for the purpose. St. 1886, 36.

SECTS. 11, 15. The superior court has exclusive original jurisdiction under these sections. St. 1887, 332.

SECT. 24. The returns shall be preserved and arranged for reference. St. 1887, 202, § 3.

Change made in form of record and returns. St. 1892, 300.

Chapter 146. — Of Divorce.

Provision is made for returns of statistics of divorce. St. 1882, 194.

The superior court has exclusive original jurisdiction of all cases of divorce and nullity and validity of marriages. St. 1887, 332.

SECT. 1. Divorce may be decreed for gross and confirmed drunkenness caused by the use of opium or other drugs. St. 1889, 447. And for any legal cause notwithstanding an absence which would raise a presumption of death. St. 1884, 219.

SECT. 10. When adultery is charged the alleged *particeps criminis* may contest. St. 1890, 370.

SECT. 19. The application must be made to and the decree made by the justice. St. 1882, 223.

SECTS. 42-44. Procuring a fraudulent divorce; advertising, by one not a member of the bar, the business of procuring divorces; and unlawfully issuing certificates of divorce, are made offences. Sts. 1886, 342; 1887, 320; 1891, 59.

Chapter 147. — Of Certain Rights and Liabilities of Husband and Wife.

A wife has right of interment in any tomb or lot which her husband owned during coverture. St. 1883, 262. (See 1885, 302.)

SECT. 1. A wife cannot, without his written consent, destroy or impair her husband's life estate in one-half her lands where there is no issue. St. 1889, 204. (See 1884, 301; 1885, 255; 1887, 290.)

SECT. 3 is revised. Nothing contained in the preceding section shall authorize such transfer. St. 1884, 132.

SECT. 6 extended to the case where there is no issue, and exception is made if the wife is living apart for cause approved by the court. Sts. 1885, 255; 1887, 290. (See 1884, 301.)

SECT. 16 *et seq.* Provision is made for release of the courtesy by the guardian of an insane husband. St. 1886, 245.

SECT. 20. The notice shall be such as the court may order. St. 1890, 105.

SECTS. 31–33, 36. The probate court has exclusive original jurisdiction under these sections and the appeal is to the superior court. St. 1887, 332, §§ 2, 3. (See 1888, 290.)

SECT. 36. Probate courts may require parents to contribute to support of children under guardianship. St. 1891, 358.

Chapter 148. — Of the Adoption of Children and the Change of Names.

Adoption of pauper and illegitimate children regulated. Sts. 1891, 194; 1892, 318.

SECT. 3 is amended. St. 1886, 101, § 4.

SECTS. 12–14. A list of names changed, ordered published. St. 1884, 240.

Chapter 150. — Of the Supreme Judicial Court.

SECT. 5. See St. 1892, 435.

The superior court is given exclusive original jurisdiction of cases of divorce and nullity of marriages. St. 1887, 332, § 1.

And of capital crimes. St. 1891, 379.

And of petitions for partition and writs of entry. St. 1892, 169.

Appeals on petitions under sections 31–33 and 36 of chapter 147 are to superior court. St. 1887, 334, § 3. (See 1888, 290.)

SECT. 7. Questions for the full court may be heard in any county. St. 1892, 127.

SECT. 14. Further provisions in cases of frivolous appeals and exceptions. St. 1883, 223, § 5.

SECT. 16. When appeal or exceptions are not entered, the court below may affirm the judgment. St. 1888, 94.

SECTS. 18–20, 24, 26–29 repealed. St. 1891, 379.

SECTS. 21, 22, 23 and 25 are repealed. St. 1886, 339.

SECT. 30 *et seq.* Practice is further regulated. Sts. 1885, 384; 1886, 223; 1887, 383; 1892, 127. (See 1883, 223; 1884, 316.)

SECT. 31. Return days changed. St. 1885, 384.

The law term for Worcester is changed. St. 1885, 48. And for Bristol, Dukes and Nantucket. St. 1891, 287.

SECT. 39. Salaries fixed. St. 1892, 104. (See 1888, 274, § 1.)

Pensions are provided for. St. 1885, 162. And travelling expenses. St. 1892, 104. (See 1888, 274, § 1.) And clerical assistance. St. 1891, 89.

Chapter 151. — Of the Supreme Judicial Court Equity Jurisdiction.

The equity jurisdiction is extended. Sts. 1884, 285; 1887, 380; 1891, 383; 1892, 435.

SECT. 2, cl. 11. See Sts. 1884, 285; 1887, 214, § 73.

SECTS. 5-7. Practice regulated and forms established. Sts. 1883, 223; 1884, 316; 1885, 384; 1887, 383; 1890, 154.

Chapter 152. — Of the Superior Court.

SECT. 1. The number of justices is increased. St. 1892, 271. (See 1886, 31; 1888, 58.)

SECT. 2. Provision for sessions by three justices in capital cases. St. 1891, 379. And without a jury in certain actions at law. St. 1891, 227.

SECTS. 3-6. Jurisdiction is given in equity and practice regulated. Sts. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 246, 332, 380, 383; 1890, 154, 374; 1891, 227, 362, 383; 1892, 435, 440.

Separate equity docket required in Middlesex and Suffolk. St. 1892, 440.

Exclusive original jurisdiction given in causes of divorce and nullity of marriage. St. 1887, 332, § 1. And of capital crimes. St. 1891, 379. And of petitions for partition and writs of entry. St. 1892, 169.

Jurisdiction is given of certain appeals from the probate court. St. 1887, 332, § 3.

SECTS. 7, 8. The right to remove actions and petitions for partition under these sections is taken away. St. 1892, 169. (See 1885, 384, § 14.)

SECT. 11 repealed. St. 1892, 105.

SECT. 17. Changes in sessions: Barnstable; St. 1891, 175. Bristol; 1888, 314; 1891, 287. Dukes; 1889, 308. Essex; 1885, 191; 1889, 461. Franklin; 1889, 327. Hampden; 1885, 27. Middlesex; 1892, 391. Norfolk; 1889, 287. Plymouth; 1885, 134.

SECT. 18. Changes in adjourned sessions: Essex; St. 1889, 461. Plymouth; 1885, 134.

Return days changed. St. 1885, 384.

Petitions for damages for land taken by any town in Nantucket or Dukes may be brought in Bristol. St. 1887, 50. (See 1885, 384, § 1.)

SECT. 24 is repealed. St. 1887, 183.

SECT. 28. Provision made for pensions. St. 1887, 420.

Salaries are fixed and allowance made for travelling expenses. St. 1892, 328. (See 1882, 205; 1888, 274.)

Chapter 153. — Of Matters common to the Supreme Judicial Court and the Superior Court.

SECT. 4. Provision made for agreements to postpone, etc., cases on the trial lists. Sts. 1884, 304; 1890, 154. (See 1883, 223.)

Superior courts to establish rules for practice under St. 1887, 332.

SECTS. 7, 8. See St. 1891, 227.

SECTS. 10, 13. Provisions for proving exceptions when the disability or death of the justice prevents his signing them. St. 1882, 239.

SECT. 12 extended to criminal cases. St. 1891, 362.

SECT. 15. Clerks shall furnish to the attorney-general printed copies of exceptions and reports in cases in which the Commonwealth is interested. St. 1890, 374.

SECT. 23. The original vouchers or bills must be delivered with the orders. St. 1890, 206.

Chapter 154. — Of the Police, District and Municipal Courts.

SECT. 1. Police and district courts established, as follows: First and second, of Barnstable; St. 1890, 177. Brockton; St. 1885, 155. (See 1887, 322.) Brookline; Sts. 1882, 233; 1884, 211; 1888, 60. East Boston, district; St. 1886, 15. Second, Essex; St. 1888, 193. Western Hampden; St. 1886, 190. (See 1888, 88.) Hampshire; St. 1882, 227. Marlborough; St. 1882, 233. Third and fourth, eastern Middlesex; Sts. 1882, 233; 1888, 59; 1889, 312. Southern Norfolk; St. 1891, 273. First, northern Worcester; Sts. 1884, 215; 1885, 286; 1888, 212.

SECT. 2. Courts abolished: East Boston, municipal; St. 1886, 15. Cambridge, police; St. 1882, 233. First, Plymouth; St. 1885, 155.

Judicial districts changed: Brockton; St. 1887, 322. Gloucester; 1888, 249. First, eastern Middlesex; 1888, 59. Fourth, eastern Middlesex; 1888, 59; 1889, 312. First, southern Middlesex; 1882, 169.

SECTS. 4, 25. The justices may interchange services. St. 1885, 132. (See 1882, 43, 233.)

SECTS. 5, 6. Clerks given: Southern Berkshire; St. 1886, 333. Brookline; 1888, 60. Chelsea; 1882, 176. Chicopee; 1891, 78. Hampshire; 1883, 80. Lowell (assistant); 1889, 152. Second, eastern Middlesex; 1883, 97.

Clerical assistance allowed: First, eastern Middlesex. St. 1889, 317.

Clerks and justices of courts having no clerks must deposit public moneys beyond what is required for immediate use. St. 1890, 215.

SECT. 8. Compensation of *pro tempore* clerks fixed. St. 1888, 352.

SECT. 11 *et seq.* Criminal jurisdiction extended. Sts. 1885, 149, 322; 1887, 293; 1892, 188, § 5.

Jurisdiction given in naturalization proceedings. Sts. 1885, 345; 1886, 45, 203; 1891, 180, 419; 1892, 348.

Original writs shall not be returnable more than sixty days from date. St. 1892, 148.

SECT. 16 extended to all district, police and municipal courts. St. 1885, 45.

SECT. 23. Sessions changed: Northern Berkshire; St. 1884, 266. Hampshire; Sts. 1883, 75; 1889, 122. (See 1882, 227; 1883, 80). Northern Worcester; 1888, 212.

SECTS. 23, 25. When no justice is present, sheriff or deputy may adjourn court. St. 1884, 188.

SECT. 24 extended. Justices are to certify monthly. Sts. 1890, 440, § 11; 1891, 70.

SECT. 25. When special justices act, the record must state the fact giving them jurisdiction. St. 1892, 268.

SECT. 26. Travelling expenses allowed to special justice in Hampshire. St. 1884, 205. (See 1885, 40.)

SECT. 27. Police and district courts in Middlesex may establish uniform return days and rules in civil cases. St. 1890, 359.

SECT. 29. Uniform blanks and dockets provided for, except in certain cases. St. 1888, 285.

SECT. 30. Process is to bear the *teste* of the first justice, who is not a party. St. 1888, 415. (See 1886, 13.)

SECTS. 34, 35. A controller of accounts provided for, and method of accounting regulated. Sts. 1887, 438; 1890, 204, 216, 440; 1891, 416. (See 1886, 169; 1888, 257.)

Funds, beyond what are required for immediate use, must be deposited. St. 1890, 215.

Apportionment of fines to informers in certain cases. St. 1891, 416. (See 1890, 440, § 5.)

SECT. 36. Witness fees are to be paid at end of trial. Sts. 1888, 180; 1891, 392. (See 1890, 440, § 8.)

SECT. 37. Fees and costs are regulated in certain cases. Sts. 1890, 256, 353, 440; 1891, 325; 1892, 200, § 3. (See 1892, 268.)

SECT. 38. See St. 1885, 235.

SECTS. 39, 52 extended to all municipal, police and district courts. St. 1882, 95.

On appeals, the record shall contain details of fees and expenses. St. 1890, 440, § 10.

SECT. 42 *et seq.* The justices may act for each other in certain cases. St. 1882, 43.

The municipal court of East Boston is abolished, and East Boston district court established. St. 1886, 15.

Clerks and clerical assistance provided for: East Boston; St. 1886, 15. South Boston; 1887, 327. Charlestown; 1889, 206. Dorchester; 1885, 79. West Roxbury; 1887, 274.

SECT. 55. Number of justices increased. Sts. 1882, 41; 1888, 419, § 11.

SECT. 58. Assistant clerks and clerical assistance provided for. Sts. 1883, 47; 1885, 42, § 2, 137, § 2; 1888, 419, § 13; 1889, 170.

SECT. 62. Additional sessions by special justice provided for. St. 1885, 42, § 1. When he acts he must state in the record the fact which gives him jurisdiction. St. 1892, 268.

SECT. 64. Salaries of justices fixed: First and second Barnstable; St. 1890, 177. Central Berkshire; 1887, 190. Northern Berkshire; 1887, 61. (See 1884, 266, § 3.) Southern Berkshire; 1884, 231. Boston; 1887, 163. (See 1882, 41, § 2.) East Boston; 1892, 100. (See 1886, 15.) South Boston; 1889, 242. Brighton; 1885, 49. First Bristol; 1889, 261. (See 1884, 220.) Second Bristol; 1891, 108. Third Bristol; 1889, 54. Brockton; 1885, 155. Brookline; 1884, 211. (See 1882, 233, § 6.)

Charlestown; 1891, 160. (See 1889, 227.) Dorchester; 1885, 79. First Essex; 1882, 245. Second Essex; 1888, 193. Fitchburg; 1889, 97. (See 1882, 245.) Gloucester; 1888, 234. Eastern Hampden; 1889, 130. Western Hampden; 1886, 190. Hampshire; 1883, 75. (See 1884, 205.) Haverhill; 1882, 245. Holyoke; 1886, 151. Lawrence; 1888, 110. Lowell; 1886, 307. Lynn; 1891, 162. (See 1886, 154.) Marlborough; 1892, 93. (See 1882, 233.) Central Middlesex; 1890, 238. First eastern Middlesex; 1886, 166. (See 1882, 245.) Second eastern Middlesex; 1886, 123. (See 1882, 245.) Third and fourth eastern Middlesex; 1882, 233. First northern Middlesex; 1889, 198. First southern Middlesex; 1889, 12. Newburyport; 1882, 245. Newton; 1890, 93. East Norfolk; 1889, 263. Southern Norfolk; 1891, 273. Fourth Plymouth; 1889, 281. Roxbury; 1889, 217. West Roxbury; 1883, 111. Somerville; 1891, 161. (See 1882, 245; 1887, 180.) Springfield; 1887, 171. Central Worcester; 1888, 50. First eastern Worcester; 1884, 208. Second eastern Worcester; 1889, 158. (See 1882, 245.) First northern Worcester; 1884, 215. First southern Worcester; 1890, 131. Second southern Worcester; 1888, 173. Third southern Worcester; 1882, 245.

Salaries of clerks fixed: Central Berkshire; 1882, 245. Northern Berkshire; 1888, 89. (See 1887, 61.) Southern Berkshire; 1887, 227. (See 1884, 231; 1886, 333, § 4.) Boston, civil; 1882, 245. First assistant; 1889, 39. Second assistant; 1889, 143. Third assistant; 1892, 58. (See 1889, 170.) Criminal, assistant; 1885, 137. (See 1882, 245.) East Boston; 1886, 15. (See 1882, 245.) South Boston; 1882, 245. Assistant; 1887, 327. First Bristol; 1889, 261. Second Bristol; see 1889, 62. Third Bristol; 1889, 41. Brockton; 1885, 155. Brookline; 1888, 60. Charlestown; 1887, 175. (See 1889, 206.) Chelsea; 1887, 117. (See 1882, 176; 1884, 197.) Chicopee; 1891, 78. Dorchester; 1886, 124. (See 1885, 79.) First Essex; 1882, 245. Fitchburg; 1891, 71. (See 1882, 245; 1889, 289.) Gloucester; 1888, 235. (See 1883, 53.) Western Hampden; 1888, 88. (See 1886, 190.) Hampshire; 1886, 106. (See 1883, 80.) Haverhill; 1888, 55. (See 1882, 245.) Holyoke; 1887, 318. (See 1884, 65.) Lawrence; 1887, 208. Lowell; 1886, 307. Assistant; 1889, 152. (See 1882, 63; 1888, 246.) Marlborough; 1892, 93. (See 1882, 233; 1889, 19.) First eastern Middlesex; 1886, 167. (See 1882, 87, 245; 1889, 317.) Second eastern Middlesex; 1891, 107. (See 1883, 97; 1885, 180; 1888, 233.) Third eastern Middlesex; 1886, 165. (See 1882, 233.) Fourth eastern Middlesex; 1887, 174. (See 1882, 233.) First northern Middlesex; 1888, 214. First southern Middlesex; 1886, 156. Newburyport; 1889, 277. (See 1882, 245.) Newton; 1886, 158. Eastern Norfolk; 1888, 54. Southern Norfolk; 1891, 273. First Plymouth; 1883, 57. (See 1885, 155.) Third Plymouth; 1889, 137. Fourth Plymouth; 1891, 190. (See 1884, 204.) Roxbury, assistant; 1889, 239. (See 1882, 245.) Somerville; 1887, 265. (See 1882, 245.) Springfield; 1889, 28. (See 1886, 155.) West Roxbury; 1889, 92. (See 1887, 274.) Central Worcester; 1889, 83. Assistant; 1882, 245. (See 1888, 184.) Second eastern Worcester; 1889, 218. First northern Worcester; 1885, 286. (See 1884, 215.)

Provision made for payment of *pro tempore* clerks. St. 1888, 352.

Salaries of constables in attendance fixed: Boston, civil; St. 1886, 130. Criminal; 1888, 195. (See 1886, 130.) Brighton; 1886, 148. Charlestown; 1886, 136. East Boston and South Boston; 1882, 245. Roxbury; 1889, 174. West Roxbury; 1886, 148.

Chapter 155. — Of Justices of the Peace and Trial Justices.

SECT. 3. Justices may summon witnesses in civil cases. St. 1885, 141. (See 1884, 247.)

SECT. 4. Power of justices to issue warrants modified. St. 1884, 286. (See 1884, 191.)

SECT. 10. In Dukes county three trial justices. St. 1892, 408.

SECT. 12 *et seq.* Original writs shall not be returnable more than sixty days from date. St. 1892, 148.

Provision is made for preservation of records, etc., of trial justices. St. 1888, 211.

SECTS. 24–26. Bond required instead of recognizance before removal. St. 1888, 325.

SECT. 28. Appeal is to be entered at next return day. St. 1885, 384, § 5.

SECT. 29. See 1882, 95.

SECT. 33. No bond, recognizance or deposit required in a replevin suit. St. 1890, 224.

SECT. 43 *et seq.* Jurisdiction of trial justices extended. Sts. 1885, 149, 356; 1892, 160, 188, § 5.

Form of warrants for commitment for non-payment of fines modified. St. 1891, 416.

SECT. 49. Punishment of children under twelve restricted. St. 1882, 127.

Costs regulated in certain cases. St. 1889, 469.

SECTS. 63, 65. Appellant pays the jailer's fees in certain cases. St. 1890, 328.

SECTS. 67 *et seq.*, 74, 75. Provision made for completion of unfinished business before trial justices. St. 1890, 202.

SECT. 68. Commitments for contempt may be to any jail in the Commonwealth. St. 1886, 224.

SECTS. 69, 77 *et seq.* Provision made for uniform dockets and blanks except in certain cases. St. 1888, 285.

SECT. 78 repealed. Payments and accounting regulated. Sts. 1887, 438; 1890, 204, 215. (See 1886, 169; 1888, 275.)

Payment of fines regulated. Sts. 1890, 440, § 5; 1891, 325, 416. And payment of witness fees. Sts. 1890, 440, § 6; 1891, 392.

Chapter 156. — Of Probate Courts.

When a judge is unable to perform his duties, or there is a vacancy, another judge shall act in his place. Compensation therefor fixed. St. 1892, 337.

Probate courts may appoint auditors to examine accounts. St. 1889, 311.

Any act or proceeding within the power of the court in the first instance may be confirmed. St. 1888, 420.

Attorneys may appear in probate proceedings, and process and notices may be served on them as if upon the parties. St. 1890, 420.

SECT. 2. Jurisdiction extended. Sts. 1887, 332, § 2; 1891, 415, 425, § 14; 1892, 116.

SECTS. 5-11. Appeals in certain cases regulated. Sts. 1887, 332; 1888, 290; 1890, 261, § 3. (See 1891, 415, § 3.)

SECTS. 7, 8 amended. St. 1888, 290.

SECTS. 9, 13 amended. The superior court is to act in certain cases. St. 1890, 261.

SECTS. 22, 23. Provision for a constable to attend the court in Suffolk. Sts. 1884, 140; 1887, 156.

SECT. 35. Expenses may also be awarded. St. 1884, 181, 291.

SECT. 44. Expense of recording limited. St. 1887, 217. (See 1884, 118.)

SECT. 45. See St. 1886, 224.

SECT. 48. Provision made for cases of holidays. St. 1884, 141.

Changes in sessions: Franklin; St. 1887, 46. Hampden; 1884, 294. Hampshire; 1886, 145. Middlesex; 1889, 182. Plymouth; 1887, 63; 1889, 269. (See 1889, 237.) Suffolk; 1892, 202.

Chapter 157. — Of Courts of Insolvency.

Attorneys may appear and be served with notices and process. St. 1890, 420.

Composition with creditors provided for and regulated. Sts. 1884, 236; 1885, 353; 1889, 406; 1890, 387. (See 1886, 322; 1888, 405.)

Provision made for special judgments against insolvent debtors whose property is under attachment or brought within the control of the court. Sts. 1885, 59; 1892, 209. And where bond to dissolve attachment or prosecute review is given, and debtor discharged in composition proceedings. St. 1888, 405.

Voluntary assignments are authorized and proceedings regulated. St. 1887, 340.

SECT. 5. Commitments for contempt may be made to any jail. St. 1886, 224.

SECTS. 19, 80. Accidental delay or omission to file schedules not to defeat discharge. St. 1886, 290.

SECT. 26. Equitable liabilities may be proved. St. 1884, 293.

SECTS. 36, 91. Appeal is to be entered on next return day. St. 1885, 384, § 5.

SECT. 40. Non-resident assignees must appoint a resident agent. St. 1889, 313.

SECT. 46. Voluntary assignments are valid against an assignee in insolvency, subsequently appointed, in certain cases. St. 1887, 340.

A mortgage, if recorded more than four months after its date, is not good against assignee in certain cases. St. 1888, 393.

SECTS. 64-66. Provision made for case of death of assignee after disposal of property and before settlement of accounts. St. 1891, 400.

SECT. 70. Fees of witnesses regulated. St. 1890, 277.

SECT. 84. No claim against a pledgee, created by an unauthorized sale

of the collateral security, shall be discharged. St. 1885, 353, § 6. (See 1884, 236, § 9.)

SECT. 93 amended by omitting the clause making the giving of preferences an objection to a discharge. St. 1886, 322.

SECT. 96 *et seq.* A pledge or payment of a reasonable sum for legal services may be allowed. St. 1889, 420.

SECT. 99. If the debtor does not apply, the court may make an allowance to his wife or minor children. St. 1888, 67.

SECT. 102. Accounts must be sworn to. St. 1884, 126.

SECT. 103. Provision made for investment of unclaimed dividends. St. 1883, 242.

SECT. 112 amended as to limit of time of residence and of bringing the petition in certain cases. St. 1890, 431.

SECTS. 127-130, 186. Provision made for insolvency proceedings by and against certain foreign corporations. St. 1890, 321.

SECT. 137. Provision for payment of surplus of deposit when made by others than the debtor. St. 1889, 417. (See 1884, 236, § 3.)

SECT. 139 amended. Provable costs, expenses, etc., limited. St. 1892, 359.

Chapter 158. — Of Judges and Registers of Probate.

When a judge is unable to perform his duties, or there is a vacancy, another judge shall act in his place. Compensation therefor fixed. St. 1892, 337.

SECT. 8. Registers shall send to the State treasurer copy of inventory of estates subject to a collateral succession tax. St. 1891, 425, § 10.

SECT. 23. Salaries of judges fixed: Barnstable; St. 1887, 166. Berkshire; 1884, 192. Bristol; 1889, 211. (See 1885, 165.) Dukes; 1885, 318. Essex; 1888, 112. (See 1883, 244.) Hampden; 1886, 189. Middlesex; 1889, 251. (See 1882, 129; 1886, 184.) Nantucket; 1890, 115. Norfolk; 1887, 72. Plymouth; 1886, 183. Suffolk; 1885, 203. Worcester; 1885, 275.

Salaries of registers and assistant registers fixed: Berkshire; St. 1884, 192. Essex; 1887, 273. Hampden; 1884, 248. Middlesex; 1891, 318. (See 1887, 259.) Suffolk; 1891, 91. (See 1882, 144.) Worcester; 1888, 152.

SECTS. 23, 24. Allowance made for clerical assistance: Bristol; St. 1889, 136. Essex; 1886, 114. Middlesex; 1890, 192. Suffolk; 1892, 230. (See 1885, 205; 1888, 280; 1889, 418.) Worcester; 1889, 209. (See 1887, 39.)

SECT. 24 does not apply to Suffolk. St. 1885, 205, § 2.

Chapter 159. — Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 4. Fac-simile of clerk's signature may be used on all processes except executions. St. 1886, 13. (See 1885, 321.)

SECT. 6. When regular clerk is absent, county commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198.

SECTS. 8, 9, 31. Assistant clerks given and salaries fixed: Essex; St. 1889, 444. Middlesex; 1892, 187. (See 1889, 11; 1890, 201.) Suffolk;

1885, 250; 1887, 199; 1888, 153; 1889, 50; 1892, 87. Worcester; 1891, 92. Signatures of assistants regulated. St. 1889, 215.

SECTS. 27, 28. Accounting for fees, etc., regulated. Sts. 1887, 291, 438; 1888, 357; 1890, 209, 215, 216; 1891, 236.

Clerks must deposit public funds beyond what are required for immediate use. St. 1890, 215. Certain unclaimed funds are to be paid to the treasurer of the Commonwealth. St. 1890, 330.

SECT. 29 *et seq.* Clerks' salaries fixed: Supreme judicial court, Suffolk; St. 1887, 291. Superior court; 1888, 257. (See 1887, 112.) Barnstable; 1892, 95. Their fees are fixed. Sts. 1888, 257; 1889, 433; 1890, 209, 360; 1891, 87.

SECT. 34 *et seq.* Women may be admitted to practise. Sts. 1882, 139; 1883, 252.

The fee for admission to the bar is fixed at five dollars. St. 1888, 257, § 5.

SECTS. 34, 39. Disbarred attorneys who continue to practise, and persons falsely representing themselves to be attorneys, are subject to a penalty. St. 1891, 418.

SECT. 44. Word "suit" applies to any proceeding before any court. St. 1884, 170.

SECTS. 47, 48. Masters, assessors and referees, and arbitrators under chapter 188, upon whose awards judgment is entered, are to be paid by the county. Sts. 1883, 216; 1886, 51; 1887, 289.

They are to have no fees unless report is filed within ninety days. St. 1888, 282.

SECT. 51. The fee for a rule to an auditor is fixed at one dollar. St. 1888, 257, § 5.

The probate court may appoint auditors in certain cases. St. 1889, 311.

SECTS. 56-63. Publication of reports regulated. St. 1889, 471. Reporter's salary fixed and allowance made for clerk hire and incidental expenses. St. 1892, 380. (See 1889, 471.)

SECT. 64 *et seq.* Number of officers in attendance regulated, their duties defined and compensation fixed, in Suffolk: Supreme judicial court; Sts. 1882, 232; 1886, 37; 1887, 243; 1890, 294. Superior court; Sts. 1886, 37; 1888, 357. (See 1882, 245, § 3; 1883, 54.) Middlesex supreme judicial and superior courts; St. 1892, 107.

And in probate and insolvency courts. Sts. 1884, 140; 1887, 156, 243.

Officers in attendance in the supreme judicial and superior courts in Suffolk and Middlesex must wear uniforms. Sts. 1888, 371; 1891, 181; 1892, 107.

SECT. 72 *et seq.* Official stenographers provided for in all counties, and their compensation fixed. Sts. 1885, 291; 1887, 24, 74; 1889, 324; 1892, 133.

SECTS. 72-75 repealed. St. 1887, 24, § 4.

Chapter 160. — Special Provisions respecting Courts and the Administration of Justice.

SECT. 4. When Christmas falls on Sunday the courts are not open on the following day. St. 1882, 49. The first Monday of September is "Labor's holiday." St. 1887, 263.

SECTS. 8-10. The laws as to naturalization are revised; jurisdiction is given to the lower courts. Sts. 1885, 345; 1886, 45, 203; 1887, 36, 329; 1891, 180, 419; 1892, 348. (See 1884, 298, § 38.)

SECT. 9 is repealed; primary declarations may be made at any time. Sts. 1886, 45; 1891, 180.

Chapter 161. — Of the Commencement of Actions and the Service of Process.

SECT. 1 applies to equity suits. St. 1883, 223, § 13.

SECTS. 1-12. The supreme judicial and superior courts may change the venue in certain cases. St. 1887, 347.

SECT. 10. The motion may be filed within thirty days after the day for appearance. St. 1885, 384, § 14. (See 1892, 169.)

SECT. 13 *et seq.* Actions at law (except replevin) or in equity may be commenced in either form. St. 1887, 383.

Fac-simile of clerk's signature may be used on all processes except executions. St. 1886, 13. (See 1885, 321.)

No original writs issued by a trial justice, or district, police or municipal court, shall be returnable more than sixty days from date. St. 1892, 148.

SECTS. 23, 27. Terms are abolished and writs are returnable on first Monday of each month. St. 1885, 384.

SECTS. 31, 34, 36. See St. 1884, 330.

SECTS. 38-60. The right to attach the property of newspaper offices is limited. St. 1890, 377.

SECT. 62. All attachments must be deposited in the registry of deeds. St. 1889, 401. (See 1892, 289.)

SECT. 84. Justices of the supreme judicial and superior courts may order clerk to issue process in cases pending in another county. St. 1886, 223. (See 1885, 384, § 3.)

SECT. 122 *et seq.* Bonds must contain a provision for special judgments under St. 1888, 405. (See 1885, 59.)

SECTS. 122-125. The sureties are released by principal's discharge in insolvency proceedings begun within four months. St. 1889, 470.

SECT. 127. See St. 1892, 359.

Chapter 162. — Of Arrest, Imprisonment and Discharge.

In poor debtor proceedings an entry fee of three dollars is paid in lieu of all other fees. St. 1891, 313.

SECTS. 17, 18, 20, 25, 27, 28, 33, 34, 54 are amended. Jurisdiction in poor debtor proceedings is taken from masters and commissioners, except to take recognizances, and proceedings are regulated. Sts. 1888, 419; 1889, 415; 1890, 128; 1891, 271, 313, 407. (See 1887, 442.)

SECT. 17. Notice for examination must be given under either of the charges in this section. St. 1887, 442. Affidavit may be made at any time before the certificate is issued. St. 1891, 407.

SECT. 26. See 1889, 415, § 3.

SECT. 28. See 1888, 419, § 6; 1891, 271.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence

or disability of the magistrate, if a new notice is issued within three days. St. 1887, 442, §§ 3, 4.

SECT. 36. If recognizance is not satisfactory debtor may be imprisoned. St. 1889, 415, § 4.

SECT. 68. The fees are changed, and the mode of their recovery. They are to be accounted for. Sts. 1888, 419, § 13; 1889, 415, §§ 6, 7.

Chapter 163. — Of Bail.

SECT. 12 is amended. The bail is discharged on paying costs, if the principal dies. St. 1884, 260.

Chapter 164. — Of Proceedings against Absent Defendants, and upon Insufficient Service.

Provision made for service on foreign corporations. St. 1884, 330.

SECT. 6. Notice must be given within one year to a non-resident of attachment of his real estate. St. 1884, 268.

SECT. 7 amended as to time for appearance. St. 1885, 384, § 8.

Chapter 167. — Of Pleading and Practice.

Court terms are abolished, and return days fixed on first Monday of each month. Practice regulated. Sts. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 246, 332, 380, 383; 1890, 154, 374, 398; 1891, 227, 362.

Where there are two or more shire towns, the shire town at which an action shall be tried may be designated on entry of the writ. St. 1882, 264.

All civil actions at law or in equity (except replevin) may be begun by bill or petition, or by writ with bill or petition inserted, and relief given as the case requires. St. 1887, 383.

Claimants of funds in defendant's hands may be summoned in and the parties required to interplead. St. 1886, 281. (See 1883, 62; 1888, 345.)

SECTS. 2-10. A form for declaring for recovery of interest is established. St. 1890, 398.

SECT. 9 amended. On failure to file a declaration the action may be dismissed on motion. St. 1885, 384, § 6.

SECT. 11. Demurrers in equity regulated. Sts. 1883, 223; 1887, 383.

SECT. 13 *et seq.* Any matter which in equity would entitle the defendant to be absolutely relieved from plaintiff's claim may be alleged. Sts. 1883, 223, § 14; 1887, 383.

SECT. 43. The superior court retains jurisdiction although the action be changed to equity. St. 1883, 223, § 17.

SECTS. 46, 47 are repealed, and new provisions made as to defaults. St. 1885, 384, §§ 7-11.

SECTS. 64, 67 *et seq.* Provision made for postponement, etc., of cases on trial list. Sts. 1884, 304; 1890, 154.

A printed daily trial list of civil cases is required in superior court, Suffolk, and regulated. St. 1889, 459.

An attorney when actually engaged in the trial of a cause in the supreme judicial or superior court is not obliged to proceed to trial of another cause, unless the court deems it just and reasonable. St. 1890, 451.

SECT. 90. District court of Hampshire is added. St. 1891, 139.

Police courts may order defendant to answer. St. 1886, 64.

Chapter 169. — Of Witnesses and Evidence.

SECT. 1 is revised and right to issue summonses extended. St. 1885, 141. (See 1884, 247.)

SECTS. 7, 8 extended to boards of police commissioners. St. 1882, 267.

Justices of supreme judicial or superior court may compel attendance of witnesses before tribunals having power to summon, but not to compel attendance. St. 1883, 195.

SECTS. 28, 41. Where the adverse party does not appear, no notice of taking deposition or exhibition of interrogatories is required. St. 1883, 188.

SECT. 54 is amended. Notice to non-resident parties is provided for. St. 1882, 140.

SECTS. 69, 70. Attested copies of rules of boards of aldermen, ordinances of cities, by-laws of towns and records of cities and towns are admitted. St. 1889, 387. And sworn copies of records, books and accounts of savings banks. St. 1885, 92.

Chapter 170. — Of Juries.

SECT. 6. Preparation of list of jurors in Nantucket regulated. St. 1891, 131.

SECT. 10. No venires shall issue for jurors for the supreme judicial court in Barnstable unless there is some case for trial by jury. St. 1889, 173.

SECT. 24. Special provisions made for preparation of jury lists in Boston. St. 1888, 123.

SECT. 35. Jurors may be examined by parties or their attorneys, under direction of the court. St. 1887, 149.

Chapter 171. — Of Judgment and Execution.

Judgments, orders and decrees must bear date of entry. St. 1885, 384, § 13.

SECTS. 1, 17-24. Special judgments are provided for against insolvents whose property is attached, or under control of a court of equity on a creditor's bill or otherwise. Sts. 1885, 59; 1892, 209. And where bond is given to dissolve attachment or prosecute review, and defendant is discharged in composition proceedings. St. 1888, 405.

SECT. 34. Certain funds of charitable and relief societies are exempted. Sts. 1883, 183, § 11; 1886, 125. Also military equipments. St. 1887, 411, § 71. (See 1887, 214, § 73.)

SECT. 39. When a sale has been enjoined court may order adjournments until further order. St. 1884, 175.

SECTS. 52, 53. Provision made for record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, 407.

SECT. 54. In case of sickness or absence of the officer another may be delegated. St. 1885, 125.

Chapter 172. — Of the Levy of Execution on Real Estate.

SECT. 30. Enjoined sales may be adjourned by the court granting the injunction. St. 1884, 175.

SECTS. 32, 49. Right of redemption extended to lands set off. St. 1886, 86.

Chapter 173. — Of the Writ of Entry.

SECT. 2. Notwithstanding disseizin or adverse possession a conveyance of real estate otherwise valid vests in the grantee the rights of entry and of action for recovery. St. 1891, 354.

Chapter 175. — Of the Summary Process for the Recovery of Land.

SECT. 1. See 1891, 354.

SECTS. 6, 7, 8. A bond instead of a recognizance is to be given. St. 1888, 325.

Chapter 176. — Of Petitions for the Settlement of Title.

Provision made for barring action on an undischarged mortgage after possession by the mortgagor for twenty years. Sts. 1882, 237; 1885, 283; 1890, 427, § 1. (See 1889, 442.)

Provision made for determining the validity, nature and extent of conditions, restrictions, reservations, stipulations, etc., more than thirty years old, appearing of record. Sts. 1889, 442; 1890, 427, § 2. (See 1882, 237; 1885, 283.)

Chapter 178. — Of the Partition of Land.

SECTS. 2, 9, 75 extended. Land in different counties may be divided in one proceeding. St. 1888, 346.

SECT. 13. The right to remove petitions for partitions under this section is taken away. St. 1892, 169. (See 1885, 384, § 14.)

SECT. 45 *et seq.* The probate court may set off his share to petitioner and allow the residue to remain in common. St. 1885, 293. (See 1887, 286; 1888, 346.)

SECT. 51. Words "newspaper or" inserted. St. 1882, 55.

SECT. 63 amended. St. 1882, 6, § 2.

SECTS. 64-75. Provision made for partitions where there are estates for life or for a term of years, and a remainderman. St. 1887, 286.

SECT. 69. No petition for partition shall be defeated because a party has paid off an incumbrance which other parties were entitled to redeem, but the decree shall prescribe terms of redemption. St. 1889, 468.

Chapter 180. — Of Actions for Private Nuisances.

Fences and other like structures over six feet in height, maliciously erected or maintained, are declared private nuisances. St. 1887, 348.

Chapter 181. — Of the Redemption and Foreclosure of Mortgages.

SECT. 17. The notice may be given in some newspaper in the county if there is none in the town. St. 1882, 75.

SECT. 27. The mortgagee may proceed with any sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, 433.

Chapter 183. — Of the Trustee Process.

SECT. 7 extended to trial justices. St. 1887, 33.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, 384, § 9.

SECT. 29 *et seq.* The wages or lay of seamen are exempted. St. 1886, 194. But not of fishermen. St. 1890, 289.

SECT. 34. Certain funds of charitable and relief societies are not liable to attachment. Sts. 1885, 183, § 11; 1886, 125. (See 1887, 214, § 73.)

SECT. 38. Provision is made for executions in favor of claimants. The provision as to proceedings under chapter 161, sections 80, 82, 83, is omitted. St. 1888, 345. (See 1886, 281.)

SECT. 73. In a suit by the defendant against the trustee, pending the trustee process, the costs are in the discretion of the court. St. 1883, 62. (See 1886, 281.)

Chapter 184. — Of the Replevin of Property.

In case of appeal from the lower courts by the plaintiff, no bond, recognition or deposit is required. St. 1890, 224.

Chapter 185. — Of Habeas Corpus and Personal Replevin.

SECT. 3. Provision for habeas corpus in poor debtor proceedings. St. 1888, 419, § 12.

SECT. 18 is amended. St. 1882, 6, § 3.

Chapter 187. — Of Writs of Error and Writs of and Petitions for Review.

Upon a writ of error or other proceeding to reverse or avoid a conviction, or discharge a prisoner, the fact that the person was under seventeen years of age shall not be deemed material. St. 1892, 266.

SECT. 39. A stay may be ordered without security when petitioner had no actual knowledge of the action before judgment was entered. St. 1882, 249.

Bonds to prosecute review must have provision for special judgments in cases of discharge of defendant in composition proceedings. St. 1888, 405, § 2.

Chapter 188. — Of Reference to Arbitration.

The fees of arbitrators under this chapter, upon whose awards judgment is entered, are to be paid by the county. St. 1887, 289. (See 1883, 216; 1886, 51.)

Chapter 189.—Of Improving Meadows and Swamps.

SECT. 15. "Return day" is substituted for "court held." St. 1885, 384, § 5.

Chapter 190.—Of Mills, Dams and Reservoirs.

SECT. 48 is extended to any stream, on certain conditions. St. 1892, 55.

SECT. 53 *et seq.* County commissioners may examine reservoirs upon their own judgment and proceed as if application had been made to them. St. 1891, 315.

Chapter 191.—Of Liens on Buildings and Land.

SECT. 6. Certain inaccuracies not to invalidate the statement if parties were not misled. St. 1892, 191.

SECT. 12 is repealed. St. 1888, 344, § 4.

SECTS. 13, 16, 17 are revised, and new method of procedure prescribed. St. 1888, 344.

SECTS. 42, 43. Any person to whom a debt would be payable for labor or materials, if it were not for a lien, may dissolve such lien by bond. St. 1890, 383.

SECT. 45. Creditor's attorney may discharge lien. St. 1891, 244.

Chapter 192.—Of Mortgages, Conditional Sales, Pledges and Liens on Personal Property.

SECTS. 1, 2 are repealed, and new provisions made as to recording. St. 1883, 73.

The discharge of, and redemption of security for, small loans regulated. Sts. 1888, 388; 1892, 428. (See 1885, 252; 1890, 416.)

Mortgages of household furniture are regulated in certain cases. St. 1892, 428, § 3.

SECTS. 7, 10. See St. 1892, 428, § 4.

SECTS. 10–12. Debts or claims against a pledgee, created by an unauthorized sale of the collateral, are not discharged in insolvency. St. 1885, 353, § 6. (See 1884, 236, § 9.)

SECT. 13. Conditional sales of furniture or household effects are regulated. Sts. 1884, 313; 1892, 411.

SECT. 24. Courts in the county where the petitioner has his usual place of business also have jurisdiction. St. 1888, 46.

Chapter 195.—Of the Collection of Claims against the Commonwealth.

SECT. 1 is extended to all claims, whether at law or in equity, except those mentioned in section 7. They are subject to set-off. St. 1887, 246.

Chapter 197.—Of the Limitation of Personal Actions.

Actions to recover forfeitures for selling liquor to a minor are limited to two years. St. 1889, 390.

Chapter 198.—Of Costs in Civil Actions.

When two or more cases are tried together in the supreme judicial, superior, or any police, municipal or district court, the costs may be reduced by the presiding judge. St. 1892, 231.

SECT. 25 is revised. Time of hearing appeals changed. St. 1882, 235.

SECT. 28. Term fees are limited. St. 1882, 264.

Chapter 199.—Of the Fees of Certain Officers.

In criminal cases, if the complaint is unfounded, frivolous or malicious, the magistrate may refuse to allow fees to complainant. St. 1890, 440, § 13.

SECT. 2. In police, district and municipal courts no court fees are allowed in criminal cases. St. 1890, 256.

SECTS. 2, 3. The fees of trial justices and mode of approval and certification are established. Sts. 1890, 353, 440; 1891, 325; 1892, 200, § 3.

SECTS. 4, 5. The entry fee covers all clerks' fees, except in certain cases. Sts. 1888, 257; 1889, 433; 1890, 209, 360; 1891, 87.

SECT. 6. Fees for summoning witnesses in criminal cases fixed. St. 1882, 215.

SECT. 9 is revised. Certain expenses are allowed. St. 1885, 254.

SECTS. 14, 39. When two or more cases are tried together the presiding judge may reduce the fees and costs. St. 1892, 231.

SECT. 14. Fees of witnesses in insolvency proceedings regulated. St. 1890, 277.

SECT. 15 repealed. Appraisers' fees regulated. St. 1886, 135.

SECT. 20. See St. 1892, 253, § 2.

SECTS. 30, 34 *et seq.* Officers' fees, costs and expenses regulated. Sts. 1890, 440; 1891, 325, 392; 1892, 200. (See 1889, 469; 1890, 166; 1892, 231.)

SECTS. 32, 39. See St. 1892, 231.

Chapter 200.—Of the Rights of Persons accused.

Police matrons and stations for detention of women required in certain cities. Sts. 1887, 234; 1888, 181.

Chapter 202.—Of Offences against the Person.

SECT. 27 repealed. The "age of consent" is raised to fourteen years. Sts. 1886, 305; 1888, 391.

Chapter 203.—Of Offences against Property.

The following are made punishable offences:—

False statements of the distance travelled or to be travelled with a hired horse and refusal to pay the hire. St. 1882, 236.

Obtaining, by false representations, certificates or transfers of registration, and giving false pedigrees of cattle, horses, etc. Sts. 1887, 143; 1890, 334.

Entering or driving a horse disguised or different from the one purported to be entered to compete for a purse or premium. St. 1892, 167.

SECTS. 10, 11 amended. The penalties are modified. St. 1888, 135.

SECT. 20. The penalties are changed in certain cases. St. 1889, 458.

SECT. 21. Mutilation of a will is made a crime. St. 1890, 391.

SECTS. 20, 37, 40. Also the embezzlement of property of voluntary associations. Sts. 1884, 174; 1886, 328. (See 1887, 411, § 77.)

And of money, stocks or securities held by brokers under written directions for their disposal. St. 1892, 138. (See 1890, 437, § 3.)

SECT. 56 is extended to agents, clerks, etc., of persons or firms, and to omissions to make true entries. St. 1885, 223.

SECT. 58. Fraudulent use of certain insignia is made an offence. Sts. 1887, 67; 1891, 15.

SECTS. 63, 64 extended to labels, stamps and trade-marks of labor and trade associations. St. 1890, 104.

SECT. 79. Wilful detention or mutilation of books, etc., of public or incorporated libraries are offences. St. 1883, 77, 81.

SECT. 99. Provision is made to protect private land from trespass by persons with fire-arms, the defacing of notices, etc., and penalties fixed. Sts. 1884, 308; 1890, 403, 410. (See 1886, 276, § 4.)

And to prevent wilful trespass on lands appurtenant to prisons or houses of correction, disturbance of such institution, or communication with inmates. St. 1885, 303. And illicit conveyance of articles into or from the Massachusetts reformatory. St. 1887, 339.

SECT. 101. The tearing down, removal or defacing of a warrant, voting or jury list, or other legal notice, is made punishable. Sts. 1883, 156; 1887, 147.

SECT. 103. Municipal, district and police courts are given concurrent jurisdiction in certain cases. The penalty is regulated. St. 1887, 293, § 2.

The wilful defacing and misuse of milk cans is made an offence. St. 1885, 133.

SECT. 106. The penalty is increased. One-half the fine is to go to the informant. St. 1889, 399.

SECTS. 107-109. The wilful or negligent setting of fires is made a crime. Sts. 1882, 163; 1886, 296.

Wilful or wanton destruction of property by a convict is punishable. St. 1891, 295.

Chapter 205. — Of Offences against Public Justice.

The following are made offences: Procuring fraudulent divorces; unlawfully issuing certificates of divorce; and advertising, by one not a member of the bar, the business of procuring divorces. Sts. 1886, 342; 1887, 320; 1891, 59.

Falsely representing one's self to be an attorney-at-law. St. 1891, 418.

Interference with police signal system. St. 1888, 291.

Commitments for contempt may be made to any jail and served in any county. St. 1886, 224.

SECT. 1. Penalty modified. St. 1892, 123.

SECTS. 9, 10 extended to other officers and services. St. 1891, 349.

Chapter 207.—Of Offences against Chastity, Morality and Good Order.

Punishments are provided: For keeping or resorting to a place where opium is used; St. 1885, 73. For the exhibition of deformed persons; St. 1884, 99. For unnatural and lascivious acts; St. 1887, 436. For sending to, or detaining in, a house of ill-fame any female as an inmate or servant; St. 1888, 311.

SECT. 2. Further provisions made against seduction, unlawful intercourse and assistance thereto. Sts. 1886, 329; 1888, 311.

SECT. 9. The dying declarations of the woman are admissible in evidence. St. 1889, 100.

SECT. 15 is extended to include books and the like manifestly tending to the corruption of the morals of youth. St. 1890, 70.

The gift, sale or distribution, to or by minors, of papers devoted to criminal news is punishable. St. 1885, 305.

SECTS. 20, 29, 34, 35. Disorderly or indecent speech or behavior in public conveyances is punishable. St. 1883, 102.

SECT. 23. Wilful disturbance of persons in a public library or reading room is made an offence. St. 1885, 225.

SECTS. 25–28 are repealed, and new provisions made as to proceedings and punishments in cases of drunkenness. Sts. 1891, 427; 1892, 303. (See 1885, 375; 1886, 323, § 2; 1888, 377; 1891, 356.)

SECT. 29. Neglect to support wife or minor children is punishable. St. 1885, 176. (See 1882, 270; 1884, 210.)

SECTS. 29, 42. Sentences under these sections regulated. Sts. 1884, 258; 1885, 365. (See 1888, 49.)

SECTS. 49, 50. Removing flowers or memorial tokens from graves, etc., without authority is punishable. St. 1888, 395.

SECTS. 52–54. The docking of horses' tails is forbidden under penalty. St. 1889, 267.

The payment of fines to informers under these sections is regulated: Sts. 1889, 267; 1891, 304, 416.

SECT. 69 is extended. St. 1885, 316.

Chapter 208.—Of Offences against Public Health.

Penalties are provided for: Sale or gift of cigarettes, snuff and tobacco to children under sixteen; St. 1886, 72. Feeding, or keeping with intent to feed, to milch cows, garbage, offal, etc.; St. 1889, 326. Sale of clothing made in unhealthy places; St. 1891, 357. Manufacture or sale of toys or confectionery containing arsenic; St. 1891, 374. Pollution of water supplies; Sts. 1884, 172; 1888, 375. Adulteration of food or drugs; Sts. 1882, 263; 1884, 289, 310; 1886, 171. (As to milk and butter, see 1885, 352; 1886, 317, 318.) Sale for medicinal purposes of drugs, etc., without being a registered pharmacist; St. 1885, 313, § 9.

SECT. 6. The regulations as to sale of poisons are revised. St. 1888, 209. (See 1885, 313, § 9; 1887, 38.)

Chapter 209. — Of Offences against Public Policy.

Provision to prevent lotteries and policy lotteries. St. 1892, 409.

Property shall not be sold or exchanged under the inducement of any gift or prize. St. 1884, 277.

Coercing or compelling a person, as a condition of employment, to agree not to join a labor organization is made an offence. St. 1892, 330.

Chapter 210. — Of Felonies, Accessories, Abettors and Attempts to commit Crimes.

Provision is made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for the registration and identification of certain criminals. St. 1890, 316.

Chapter 211. — Of Proceedings to prevent the Commission of Crimes.

SECT. 6 extended to all criminal cases. St. 1890, 440, § 13.

Chapter 212. — Of Search Warrants, Rewards, Arrests, Examination, Bail and Probation.

Police matrons are provided for in certain cities. Sts. 1887, 234; 1888, 181.

Provisions in regard to arrest of children under twelve. St. 1882, 127.

SECT. 2. Tickets and other materials for pool selling are added. St. 1885, 342, § 2. Also personal property, insured against fire, concealed to defraud an insurance company. St. 1890, 284. (See 1890, 452.)

Property seized under St. 1890, 284, shall be disposed of as the court orders. St. 1890, 452.

SECT. 9 is extended to gaming apparatus and certain other articles. St. 1885, 66.

SECT. 15. If magistrate deems complaint unfounded, frivolous or malicious, he may refuse fees to complainant. St. 1890, 440, § 13.

SECT. 16. A summons shall issue instead of a warrant "unless there is reason to believe that the accused will not appear upon a summons." St. 1890, 225.

SECTS. 17, 20. Warrants and other criminal process may be directed to and served by officers in any county. St. 1886, 247.

SECT. 26. On adjourning a trial or examination where the offence is punishable with death or imprisonment for life, material witnesses for the government may be bound over according to sections 37-41 of this chapter. St. 1885, 136.

Another justice may complete adjourned proceedings. St. 1883, 175.

SECTS. 36-40. Provision for detention of witnesses in cases of felony, pending pursuit and apprehension of offender. St. 1892, 361.

SECT. 51. The latter clause of this section, forbidding justices to receive compensation for taking bail, is repealed. St. 1885, 135.

SECT. 68. Money may be deposited with any officer authorized to take recognizance. St. 1882, 134.

SECTS. 74-78 repealed, and new provisions made as to probation officers. Sts. 1891, 356, 427; 1892, 242, 276. (See 1882, 125.)

SECT. 81 amended. St. 1886, 101, § 4.

Chapter 213. — Of Indictments, Prosecutions and Proceedings before Trial.

SECT. 15. See St. 1887, 367.

SECT. 16 *et seq.* See Sts. 1886, 328, § 2; 1887, 436.

SECT. 17 repealed and a substitute passed. St. 1886, 53. (See 1885, 144.)

SECTS. 15, 30. The support of such insane persons is to be paid by the State. Sts. 1883, 148; 1889, 90.

SECT. 28 *et seq.* The superior court has exclusive original jurisdiction in capital cases. St. 1891, 379.

SECTS. 29, 30 repealed. St. 1891, 379, § 14.

SECTS. 33-35. Police officers may serve subpoenas when requested by district attorney. St. 1890, 440, § 6.

SECT. 35. In cases of felony, witnesses committed may be held a reasonable time pending pursuit and apprehension of the offender. St. 1892, 361.

Chapter 214. — Of Trials and Proceedings before Judgment.

SECT. 1. List of criminal cases for trial is made compulsory. St. 1884, 193.

The order of the list must be observed. St. 1889, 432.

SECT. 16. See St. 1887, 367.

SECTS. 19, 20. The support of such insane person is to be paid by the State. Sts. 1883, 148; 1889, 90.

Chapter 215. — Of Judgment and Execution.

Provision made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for registration and identification of certain criminals. St. 1890, 316.

Warrants for commitment for non-payment of fines regulated. St. 1891, 416, § 2.

Convicts may be sent to jail instead of house of correction, and may be transferred from one to the other. St. 1882, 241.

Commitment may be made at same time on several sentences. St. 1884, 265.

SECTS. 2, 5. Taxing costs against defendants in criminal cases is restricted and payment of expenses regulated. Sts. 1890, 440; 1891, 325.

Expense of serving warrant of commitment to be deemed part of expense of prosecution. St. 1890, 328.

SECT. 15. Same term of imprisonment may be imposed on women. St. 1889, 113.

SECT. 18 is revised. St. 1882, 127.

SECT. 22. A prisoner in the Massachusetts reformatory may be sent to State prison or house of correction on conviction of an offence punishable by imprisonment therein. St. 1891, 200.

Chapter 216. — Of Fire Inquests.

This chapter is repealed and the laws as to fire inquests revised. Sts. 1889, 451; 1891, 229. (See 1889, 199.)

Chapter 217. — Of Fines, Forfeitures and Costs.

Expense of serving warrant of commitment shall be deemed a part of expense of prosecution. St. 1890, 328.

SECT. 6. See St. 1890, 353.

SECTS. 8, 9. Taxation, certification and payment of costs and fines regulated. Sts. 1890, 218, 440; 1891, 236, 325, 416. (See 1889, 469.)

SECT. 13 repealed. St. 1890, 218, § 3.

SECT. 15 is repealed, and method of accounting for moneys received under section 14 established. St. 1891, 416.

Chapter 218. — Of Fugitives from Justice and Pardons.

SECT. 6 repealed. Expenses of requisitions regulated. St. 1886, 267.

SECT. 14. Sentences after breach of condition of a pardon regulated. St. 1882, 197.

Chapter 219. — Of the Commissioners of Prisons.

Powers and duties of commissioners in regard to the reformatory prescribed. St. 1884, 255, 331.

Registration and measurement of certain convicts provided for. St. 1890, 316. (See 1892, 313.)

Surgical treatment of prisoners provided for. St. 1882, 207.

The authorities of State of Vermont are granted permission to detain in and transport through this State convicts sentenced in Vermont. St. 1892, 423.

SECT. 3. Secretary's salary fixed. St. 1886, 225. (See 1884, 331.)

SECT. 4. Transfer of prisoners regulated. Sts. 1882, 241; 1887, 292, 375; 1890, 278.

State prison convicts are to be graded and classified. St. 1892, 267. (See 1891, 372.)

SECT. 6. Vagrants and tramps may be removed to the State farm. St. 1885, 35, § 1. (See 1887, 264.)

SECT. 14 *et seq.* Labor in prisons and employment of prisoners regulated. Sts. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371.

SECTS. 17, 18 repealed. St. 1888, 403, § 6.

SECTS. 26-30. Provision for aid for female prisoners discharged without sentence. St. 1886, 177.

Further provisions for aiding discharged prisoners. Sts. 1887, 315, 336, 395; 1888, 322, 417.

Additional agents authorized. St. 1887, 315 Salary of agent provided for. St. 1888, 330.

SECTS. 34, 35 *et seq.* Commissioners shall furnish blanks for these returns. St. 1882, 266, § 1.

Reports and returns are regulated. Sts. 1882, 266, § 2; 1891, 187; 1892, 290, § 2.

SECT. 39. Allowance made for clerical assistance. St. 1888, 328.
(See 1885, 52.)

Chapter 220. — Of Jails and Houses of Correction.

Police matrons and stations for the detention of women are required in certain cities. Sts. 1887, 234; 1888, 181.

A general superintendent of prisons is provided for. St. 1887, 447, § 6.

SECT. 2. The sheriff may transfer prisoners between jails and houses of correction. St. 1882, 241.

SECT. 7 *et seq.* Commissioners of public institutions of Boston substituted for directors for public institutions. St. 1889, 245. (See 1885, 266.)

SECTS. 13, 14. Contract labor is forbidden in certain prisons. St. 1887, 447; (See 1888, 403.)

SECT. 19. See St. 1891, 426.

SECT. 36. The requirement of whitewashing is stricken out. St. 1886, 226.

SECT. 40 *et seq.* Labor in prisons and employment of prisoners are regulated. Sts. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371.

SECT. 49. Clerical error corrected. St. 1882, 6, § 4.

SECT. 50. Escapes of prisoners employed outside are punishable. St. 1882, 198. (See 1885, 94.)

SECT. 53 *et seq.* Invoice books of supplies must be kept. St. 1890, 296.

SECTS. 54, 55. The purchase of tools, materials, machinery, etc., and sale of manufactured goods provided for and regulated. Sts. 1887, 447; 1888, 403, § 3; 1891, 228.

Funds not required for immediate use must be deposited by master. St. 1890, 215.

SECT. 60 *et seq.* See St. 1882, 113.

SECTS. 66, 68. Further provisions made as to release of prisoners on probation. St. 1884, 152.

SECT. 69 applies to St. 1891, 356.

Chapter 221. — Of the State Prison and the Reformatory Prison for Women.

The prison at Concord is made a reformatory prison for men, and the State prison is re-established at Boston. St. 1884, 255, 331.

The list of officers of the State prison is revised and salaries fixed. St. 1889, 412. (See 1882, 203; 1884, 95; 1888, 264.)

And of the officers of the reformatory prison for men. Sts. 1889, 408; 1890, 255. (See 1887, 355; 1888, 335; 1890, 267.)

And of the reformatory prison for women. Sts. 1883, 267; 1884, 43; 1887, 341, 447; 1888, 327.

Sentences to the men's reformatory are regulated. Sts. 1885, 365; 1886, 323; 1888, 49; 1891, 427, § 5; 1892, 302, 303. (See 1885, 356; 1891, 200.)

The description and measurement of convicts by the "Bertillon" system is provided for. St. 1890, 316.

Removals and transfers of prisoners regulated. Sts. 1885, 35; 1887, 292, 375; 1888, 192; 1890, 180. (See 1884, 255.)

Labor in prisons and employment of prisoners regulated. Sts. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371. (See 1884, 255.)

The purchase of machinery, tools and materials and sale of manufactured goods are regulated. Sts. 1887, 447, §§ 3, 4; 1888, 403, § 3; 1891, 228.

Wilful or wanton destruction of property by State prison convicts may be punished. St. 1891, 295.

The illicit conveyance of articles to or from the men's reformatory is made punishable. St. 1887, 339.

SECTs. 6, 7 repealed. St. 1882, 203, § 4.

SECT. 6 *et seq.* The removal of subordinate officers is regulated. Sts. 1887, 355; 1890, 267.

SECT. 25 *et seq.* Provision made for grading and classifying prisoners in the State prison. St. 1892, 267. (See 1891, 372.)

SECT. 27 amended. Words "or printing" stricken out. St. 1888, 189.

SECT. 30. Schools for the prisoners are provided for. St. 1886, 197.

SECT. 43 *et seq.* Female convicts of the United States courts are to be sent to the reformatory for women. St. 1887, 426.

Prisoners may be employed on land or in building appurtenant to reformatory. St. 1885, 94.

Transfers and removals of female prisoners regulated. St. 1888, 192.

Escapes and attempts to escape are made punishable. St. 1885, 94. (See 1882, 198.)

A burial place is provided for. St. 1882, 213.

A sewerage system is provided for. Sts. 1887, 403; 1892, 211.

SECT. 52. Further provisions made as to permits. Sts. 1884, 152, 255, §§ 33, 34; 1888, 317. (See 1887, 435, § 2.)

SECTs. 54, 55. Method of approval of bills and contracts changed. Sts. 1888, 403, § 7; 1889, 294. (See 1884, 255, §§ 28, 30; 1888, 337.)

Chapter 222.—Special Provisions concerning Penal and Other Public Institutions.

Masters of jails having public funds must deposit all not required for immediate use. St. 1890, 215.

No prisoner in any State institution shall be employed outside in mechanical or skilled labor for private parties. St. 1891, 209.

Prisoners or inmates of institutions suffering from syphilis shall have medical treatment and may be isolated. St. 1891, 420.

SECT. 10. Further provisions concerning removal of insane prisoners in the reformatory for men. St. 1885, 320.

SECTs. 10, 11, 25. See Sts. 1886, 101, § 4; 1887, 367.

SECT. 17. A trial justice may act if there is no police or district court in the county. St. 1882, 201.

SECT. 20 does not apply to persons sentenced to the reformatory. St. 1886, 327, § 7.

SECTs. 20, 21. Releases on probation are further regulated. Sts. 1884, 152, 255, §§ 33, 34; 1887, 435, § 2.

SECT. 25. See St. 1891, 420, § 2.

II.

CHANGES IN THE GENERAL STATUTES PASSED SINCE THE
ENACTMENT OF THE "PUBLIC STATUTES."

[The changes are more fully stated in Table I. under the appropriate chapter of the Public Statutes.]

Statutes of 1882.

- Ch. 28. Repealed. 1890, 423, § 228. P. S. 7.
- 29. Repealed. 1886, 66. P. S. 5.
- 36. Amended. 1888, 114. P. S. 52.
- 63. Superseded. 1886, 307. P. S. 154.
- 65. Repealed. 1885, 247. P. S. 91.
- 74. Repealed. 1884, 299, § 44. P. S. 7.
- 77. Amended. 1884, 72. P. S. 116.
- 97. Superseded. 1887, 411. P. S. 14.
- 102. Amended. 1884, 245. P. S. 91.
- 106. Amended. 1883, 74. Affected, 1884, 330, § 3; 1886, 230;
1891, 341. P. S. 13, 105.
- 108, § 1. Amended. 1888, 313. P. S. 53.
- 111. Repealed. 1886, 38. P. S. 16.
- 125. Repealed. 1891, 356. P. S. 112.
- 127, § 2. Amended. 1886, 101, § 4. P. S. 89.
- 129. Superseded. 1886, 184. P. S. 158.
- 135. Shall not apply to provisions of 1890, 428. P. S. 112.
- 139. Extended. 1883, 252. P. S. 18.
- 148. Amended. 1889, 77. P. S. 116.
- 154, § 1. Amended. 1890, 240. P. S. 49.
- 157. Affected. 1888, 289. P. S. 17.
- 158. Superseded. 1889, 440, § 10. P. S. 4.
- 163. Affected. 1886, 296, § 3. P. S. 35, 203.
- 165. Amended. 1887, 125. P. S. 11.
- 166, § 1. Amended. 1884, 317. P. S. 91.
- 176. In part repealed. 1884, 197. P. S. 154.
- 178. Superseded. 1887, 411. P. S. 14.
- 179. Superseded. 1887, 411. P. S. 14.

Statutes of 1882—Concluded.

- Ch. 181, § 3. Amended. 1886, 330; 1888, 248. §§ 1, 2, 3 amended, 1886, 101, § 4. P. S. 48.
- 195, § 1. Repealed. 1888, 449, § 21. P. S. 119.
196. Repealed. 1888, 24. P. S. 5.
- 200, § 1. Affected. 1886, 77. P. S. 116.
203. Repealed. 1888, 264, § 3. P. S. 221.
205. Repealed. 1888, 274, § 3. P. S. 152.
212. Affected. 1883, 105; 1887, 31. § 2 amended, 1888, 333. § 6 affected, 1885, 327. P. S. 20.
217. Affected. 1887, 32. § 1 amended, 1888, 323. P. S. 11.
224. Repealed. 1890, 168. P. S. 116.
- 226, § 2. Penalty provided. 1892, 290. P. S. 219.
- 227, § 3. Amended. 1889, 122. P. S. 154.
231. Repealed. 1887, 423. P. S. 116.
- 232, § 1. Amended. 1886, 37, § 2; 1890, 294. P. S. 159.
233. Amended. 1886, 165, 166. § 6 in part superseded, 1889, 19; 1892, 93. P. S. 154.
237. Extended. 1885, 283. Amended, 1890, 427, § 1. P. S. 176.
243. Repealed. 1888, 390, § 95. P. S. 12.
244. Affected. 1886, 125. Extended, 1890, 181. P. S. 115.
- 245, § 1. Superseded in part. 1886, 15, 37, 130, 166; 1888, 195; 1889, 97, 158, 174, 218, 277, 289. § 2 superseded, 1887, 160. P. S. 154, 159.
247. Repealed. 1884, 298, § 53. P. S. 6.
250. Repealed. 1885, 122. P. S. 102.
251. Amended. 1885, 121. In part repealed, 1887, 216. P. S. 117.
252. Repealed. 1892, 419, § 138. P. S. 11, 104.
257. Superseded in part. 1887, 116. P. S. 2.
260. Repealed. 1890, 423, § 228. P. S. 7.
263. Amended. 1883, 263, § 1; 1884, 289; 1886, 171. Affected, 1885, 352, § 5; 1891, 319. § 5 amended, 1886, 101, § 4. P. S. 208.
268. Repealed. 1884, 298, § 53. P. S. 6.
- 270, § 3. Amended. 1886, 101, § 4. In part repealed, 1892, 318, § 16. § 4 amended, 1884, 210; 1885, 176. P. S. 48.
- 274, § 2. Repealed. 1883, 183, § 3. P. S. 94.

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- Ch. 33. Repealed. 1887, 214, § 112. P. S. 119.
36. Repealed. 1886, 276, § 11. P. S. 92.

Statutes of 1883 — Concluded.

- Ch. 42. Repealed. 1890, 423, § 228. P. S. 7.
 52. Amended. 1883, 248; 1886, 77. P. S. 116.
 54. Superseded. 1886, 37. P. S. 159.
 55. Superseded. 1889, 440. P. S. 4.
 80, § 2. Superseded. 1886, 106. P. S. 154.
 101. Repealed. 1888, 390, § 95. P. S. 12.
 107. Repealed. 1887, 214, § 112. P. S. 119.
 110. Amended. 1886, 101, § 4. P. S. 89.
 117. Amended. 1888, 240. P. S. 112.
 124, § 2. Amended. 1887, 335. P. S. 32.
 126. Repealed. 1887, 214, § 112. P. S. 119.
 138. Amended. 1886, 101, § 4. P. S. 80.
 148, §§ 2, 3. Amended. 1889, 90. P. S. 87.
 157. Limited. 1884, 275, § 4. Affected, 1887, 280. P. S. 48, 74.
 158. Amended. 1889, 288. P. S. 32.
 164. Repealed. 1886, 38. P. S. 16.
 173. Repealed. 1892, 419, § 138. P. S. 104.
 187. Affected. 1884, 169. P. S. 102.
 202. Repealed. 1890, 168. P. S. 116.
 216. Amended. 1886, 51; 1887, 289. P. S. 159.
 217. Affected. 1887, 447, § 8; 1888, 403, § 2. P. S. 219, 220, 221.
 218. Amended. 1884, 70. P. S. 60.
 223, § 5. Amended. 1884, 316; 1892, 440. P. S. 151, 152.
 224. Repealed. 1888, 348, § 12. P. S. 48.
 229. Repealed. 1890, 423, § 228. P. S. 7.
 230. Repealed. 1887, 94. P. S. 58.
 232, § 3. Amended. 1886, 101, § 4. P. S. 84.
 235. Repealed. 1887, 214, § 112. P. S. 119.
 239. In part repealed. 1886, 298. § 6 amended, 1886, 101, § 4. P. S. 87.
 244. Superseded. 1888, 112. P. S. 158.
 251. Repealed so far as it relates to Boston. 1892, 419, § 138. Affected, 1884, 223; 1888, 86. § 2 repealed, 1888, 426, § 14. P. S. 104.
 252. Extended. 1889, 197. P. S. 18.
 258. In part repealed. 1886, 300; 1887, 214, § 112. P. S. 116, 119.
 262. Not repealed by 1885, 302. P. S. 82.
 263. Repealed. 1884, 289, § 6. P. S. 208.

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- Ch. 4. Superseded. 1888, 115. P. S. 31.
 15, § 1. Repealed. 1889, 101. P. S. 15.
 22, § 1. Repealed. 1891, 177. P. S. 43.
 34. Repealed. 1889, 301, § 10. P. S. 30.
 42. Affected. 1886, 76. P. S. 27.
 45. Superseded. 1887, 441. P. S. 14.
 55. Repealed. 1887, 214, § 112. P. S. 119.
 56. Repealed. 1884, 168. P. S. 116.
 58. Repealed. 1887, 214, § 112. P. S. 119.
 64. Amended. 1885, 198. P. S. 47.
 74. Repealed. 1887, 214, § 112. P. S. 119.
 79. Superseded. 1888, 385. P. S. 15.
 88. Repealed. 1886, 298. P. S. 87.
 95. Repealed, so far as inconsistent with 1888, 264. P. S. 221.
 98, § 1. Revised. 1890, 102. § 2 added to, 1891, 188. P. S. 80.
 118. Repealed. 1887, 217. P. S. 156.
 119. Repealed. 1887, 214, § 112. P. S. 119.
 120. Repealed. 1887, 214, § 112. P. S. 119.
 125. Repealed. 1888, 437, § 6. P. S. 28.
 129. Affected. 1891, 324. P. S. 29.
 155. Superseded. 1890, 309. P. S. 48.
 162. Repealed. 1888, 390, § 95. P. S. 12.
 166. Repealed. 1885, 369, § 4. P. S. 4.
 168. Affected. 1886, 69. P. S. 116.
 171. Amended. 1888, 276; 1890, 193; 1891, 138. P. S. 91.
 174. Affected. 1886, 328. P. S. 203.
 177. Repealed. 1887, 214, § 112. P. S. 119.
 178. Repealed. 1887, 214, § 112. P. S. 119.
 179. Affected. 1888, 322. §§ 3, 4 amended, 1890, 58; 1891, 54. P. S. 16.
 180. Revised. 1887, 214. §§ 62, 63 extended, 1889, 378. P. S. 106.
 181. In part repealed. 1886, 174. § 9 repealed, 1888, 437, § 6. P. S. 31.
 190. Repealed. 1885, 186. P. S. 103.
 193. Affected. 1889, 432. P. S. 214.
 212. Affected. 1885, 256; 1890, 293. Amended, 1887, 314. P. S. 91.

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- Ch. 215, § 3. Amended. 1888, 212. P. S. 154.
 217. Repealed. 1887, 214, § 112. P. S. 119.
 222. Affected. 1886, 242. P. S. 112.
 223, § 2. Amended. 1888, 86. Repealed so far as relates to
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 226. Affected. 1887, 124. P. S. 51.
 230. Superseded. 1887, 411. P. S. 14.
 234, § 3. Amended. 1886, 101, § 4. P. S. 87.
 235. Repealed. 1887, 214, § 112. P. S. 119.
 236. Amended. 1885, 353; 1889, 406. Affected, 1888, 405.
 § 9 amended, 1890, 387. P. S. 157.
 242. Repealed. 1888, 390, § 95. P. S. 12.
 247. Repealed. 1885, 141. P. S. 155, 169.
 253. Amended. 1889, 91. P. S. 116.
 255. Added to. 1884, 331; 1885, 35. Affected, 1888, 49. § 2
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 264. Amended. 1892, 196. P. S. 91.
 269, § 2. Amended. 1892, 206. P. S. 69.
 275. Affected. 1887, 280, § 1. § 1 superseded, 1892, 357.
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 282. Repealed. 1887, 111. P. S. 92.
 284. Affected. 1885, 220, § 1. P. S. 91.
 289, §§ 1, 2. Amended. 1886, 101, § 4. § 1 repealed, 1891, 319.
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 296. Repealed. 1887, 214, § 112. P. S. 119.
 297, § 3. Amended. 1891, 299. § 4 amended, 1886, 101, § 4.
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 298. Repealed. 1890, 423, § 228. P. S. 6.
 299. Repealed. 1890, 423, § 228. § 9 re-enacted, 1891, 264. P. S. 7.
 304. Affected. 1889, 459. § 1 amended, 1890, 154. P. S. 167.
 307, § 2. Amended. 1885, 150. P. S. 60.
 310, § 1. Amended. 1886, 317. P. S. 56. §§ 3, 4 amended,
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 313, § 2. Amended. 1892, 411. P. S. 192.
 316. Amended. 1892, 440. P. S. 152.
 318, § 3. Not affected by 1886, 234. P. S. 91.
 319, § 1. Superseded by 1892, 59. (See 1886, 352.) P. S. 2.

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- Ch. 320. Amended. 1887, 437; 1888, 41; 1889, 177. Affected, 1889, 473. Extended, 1889, 352. Added to, 1891, 140. § 4 amended, 1888, 334. § 17 amended, 1889, 183. § 19 amended, 1888, 253. § 20 amended, 1889, 351. P. S. 21.
322. Amended. 1890, 358. §§ 7, 9 amended, 1886, 101, § 4. P. S. 87.
328. Repealed. 1892, 101. P. S. 15.
330. Affected. 1886, 230. §§ 1, 2 extended, 1889, 393. P. S. 105.

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- Ch. 5. Repealed. 1890, 423, § 228. P. S. 7.
15. Repealed. 1886, 38. P. S. 16.
- 24, § 1. Revised. 1890, 302. P. S. 2.
52. Repealed. 1888, 328. P. S. 219.
77. Superseded. 1891, 411. P. S. 15.
79. Affected. 1886, 124. P. S. 154.
87. Superseded. 1891, 410. P. S. 15.
108. Repealed. 1890, 423, § 228. P. S. 7.
110. Affected. 1892, 288. P. S. 112, 113.
131. Affected. 1887, 256. P. S. 103.
134. In part repealed. 1886, 218. P. S. 152.
142. Repealed. 1890, 423, § 228. P. S. 7.
144. Repealed. 1886, 53. P. S. 213.
147. Superseded. 1887, 411. P. S. 14.
148. Repealed. 1887, 252, § 24. P. S. 90.
156. Repealed. 1888, 437, § 6. P. S. 28.
158. Amended. 1886, 101, § 4. P. S. 80.
165. Superseded. 1889, 211. P. S. 158.
168. Superseded. 1889, 250. P. S. 17.
173. Repealed. 1889, 301, § 10. P. S. 30.
183. Superseded. 1890, 421. P. S. 119.
193. Repealed. 1887, 120. P. S. 91.
- 194, § 4. Amended. 1887, 295. Shall not apply to provisions of 1890, 428. P. S. 112.
204. Repealed. 1889, 291, § 10. P. S. 30.
- 205, § 1. Amended. 1888, 280. P. S. 158.
211. Amended. 1891, 153. P. S. 86.
214. Repealed. 1889, 279, § 11. P. S. 30.
216. Limited. 1889, 186. Extended, 1889, 361. P. S. 100.

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- Ch. 220, § 3. Repealed. 1888, 223, § 5; 1892, 188, § 6. § 4 repealed, 1887, 96. P. S. 91.
222. Repealed. 1888, 348, § 12. P. S. 48.
229. Repealed. 1890, 423, § 228. P. S. 7.
236. Superseded. 1887, 411. P. S. 14.
238. Amended. 1886, 270. P. S. 13.
240. Rights under, not affected by 1891, 189. P. S. 106.
241. Repealed. 1887, 214, § 112. P. S. 119.
242. Repealed. 1889, 192. P. S. 130.
246. Repealed. 1890, 423, § 228. P. S. 7.
248. Repealed. 1890, 423, § 228. P. S. 7.
252. Repealed. 1890, 416, § 7. P. S. 102.
255. Affected. 1887, 290. P. S. 147.
260. Amended. 1890, 265. P. S. 130.
261. Repealed. 1890, 423, § 228. P. S. 27.
262. Repealed. 1890, 423, § 228. P. S. 7.
- 265, § 2. Amended. 1886, 101, § 4. P. S. 82.
268. Repealed. 1890, 423, § 228. P. S. 7.
271. Repealed. 1890, 423, § 228. P. S. 6.
277. In part superseded. 1889, 303. P. S. 22.
283. Amended. 1890, 427, § 1. P. S. 176.
291. Amended. 1887, 74; 1892, 133. P. S. 159.
292. Limited. 1887, 307. P. S. 102.
300. Repealed. 1887, 214, § 112. P. S. 119.
302. Extended. 1892, 165. P. S. 80, 82.
304. Amount increased. 1890, 192. P. S. 158.
308. Repealed. 1887, 214, § 112. P. S. 119.
309. Extended. 1887, 445. P. S. 102.
312. Affected. 1891, 221. Certain exemptions from, 1886, 178, 254, 304; 1887, 312; 1888, 73, 144, 185, 229, 392; 1889, 68, 157, 172, 176; 1890, 120, 121, 135, 142, 203, 258, 271, 444; 1891, 150, 230, 301, 316, 324; 1892, 42, 45, 150, 153, 155. § 4 amended, 1889, 372. P. S. 29.
- 313, § 3. Repealed. 1887, 267. P. S. 80.
314. Affected. 1888, 350. § 1 amended, 1889, 373. § 5 repealed, 1891, 351. §§ 6, 7, 9, 12, 13, 14 extended, 1887, 382. § 7 amended, 1886, 346, § 2. P. S. 61.
- 320, § 2. Amended. 1886, 101, § 4. P. S. 222.
321. Repealed. 1886, 13. P. S. 161.
326. Repealed. 1888, 426, § 14. P. S. 104.

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- Ch. 327. Affected. 1887, 31. P. S. 20.
- 334. Affected. 1891, 129, 204. P. S. 112.
- 339. Affected. 1889, 414; 1892, 53. P. S. 87.
- 341. Repealed. 1887, 98, § 16. P. S. 97.
- 344. Affected. 1891, 266. P. S. 19.
- 345. Amended. 1886, 45, 203; 1891, 419. § 5 amended, 1887,
36. § 7 repealed, 1887, 329. P. S. 160.
- 351. Repealed. 1890, 423, § 228. P. S. 7.
- 352. Amended. 1886, 317, 318. P. S. 56, 57.
- 353. Affected. 1888, 405. P. S. 157.
- 354. Repealed. 1887, 214, § 112. P. S. 119.
- 369. Repealed. 1889, 440, § 14. P. S. 4.
- 374. Repealed. 1892, 419, § 138. P. S. 104.
- 375. In part repealed. 1891, 427. P. S. 207.
- 379. In part superseded. 1890, 213; 1892, 286. P. S. 26.
- 382, §§ 2, 4-10. Repealed. 1892, 419, § 138. P. S. 104.
- 384, § 14. In part nullified. 1892, 169. P. S. 152, 178.

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- Ch. 15, § 6. Superseded. 1892, 100. P. S. 154.
- 31. Superseded. 1888, 58. (See 1892, 271.) P. S. 152.
- 37, § 2. Amended. 1890, 294. P. S. 159.
- 38. Affected. 1886, 334. P. S. 16.
- 39. Repealed. 1889, 301, § 10. P. S. 30.
- 45. Added to. 1891, 180. (See 1892, 348.) P. S. 160.
- 49. Repealed. 1890, 423, § 228. P. S. 7.
- 51. Amended. 1887, 289. P. S. 188.
- 63. Superseded. 1887, 411. P. S. 14.
- 66, § 1. Repealed. 1891, 24. P. S. 5.
- 68. Repealed. 1890, 423, § 228. P. S. 6.
- 78. Repealed. 1890, 423, § 228. P. S. 7.
- 82. Repealed. 1887, 391, § 4. P. S. 98.
- 85. Superseded. 1888, 362. P. S. 11.
- 87. Amended. 1887, 399. § 2 amended, 1891, 239. P. S. 74.
- 90. Repealed. 1887, 280, § 2. P. S. 74.
- 95. Repealed. 1890, 168. P. S. 116.
- 101, § 3. Amended. 1889, 370. P. S. 79.
- 105. Superseded. 1887, 411. P. S. 14.
- 110. Repealed. 1889, 301, § 10. P. S. 30.
- 125. Extended. 1890, 181. P. S. 115.

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- Ch. 130. In part superseded. 1888, 195. P. S. 154.
 155. Superseded. 1889, 28. P. S. 154.
 169. Repealed. 1887, 428, § 8. P. S. 16.
 173, § 1. Amended. 1890, 179. P. S. 104.
 184. Superseded. 1889, 251. P. S. 158.
 187. Repealed. 1887, 214, § 112. P. S. 119.
 192. Limited. § 4 repealed, 1891, 327. (See 1887, 197; 1890, 229.) P. S. 91.
 194. Limited. 1890, 289. P. S. 83.
 202. Repealed. 1887, 120. P. S. 91.
 203. Amended. 1891, 419. Affected, 1892, 348. P. S. 160.
 216. Affected. 1889, 402, 425. P. S. 17.
 222. Repealed. 1887, 214, § 112. P. S. 119.
 231. Superseded. 1889, 465. P. S. 11.
 237. Superseded. 1887, 411, § 13. P. S. 14.
 238. Superseded. 1891, 410. P. S. 15.
 241. Repealed. 1887, 179, § 2; 1888, 239, § 2. P. S. 41.
 250. Amended. 1890, 252; 1892, 67. P. S. 61.
 251. In part superseded. 1889, 339; 1892, 298. P. S. 22.
 252. Superseded. 1889, 77, 321; 1892, 248. P. S. 116.
 259, § 1. Repealed. 1889, 454, § 6. P. S. 102.
 260, § 1. Amended. 1890, 83. P. S. 104.
 262. Repealed. 1890, 423, § 228. P. S. 7, 27.
 263. Amended. 1887, 269. Affected, 1892, 382. § 1 amended, 1888, 261. § 4 amended, 1890, 385. P. S. 74.
 264. Repealed. 1890, 423, § 228. P. S. 7.
 274. Repealed. 1888, 375. P. S. 80.
 276, § 1. Superseded. 1891, 142. § 3 affected, 1890, 249. § 6 limited, 1887, 300. Added to, 1891, 254. In part repealed, 1892, 102. P. S. 92.
 283, § 1. Amended. 1889, 115. P. S. 28.
 295. Amended. 1888, 221. Affected, 1889, 191; 1890, 254. P. S. 27.
 298, § 4. Repealed. 1887, 123. P. S. 87.
 305. Amended. 1888, 391. P. S. 202.
 319, § 3. Amended. 1890, 414. P. S. 87.
 320. Repealed. 1888, 390, § 95. P. S. 12.
 323, §§ 2, 3. Repealed, 1892, 302. P. S. 221.
 334. Amended. 1889, 349. P. S. 16.
 340. Restricted. 1892, 50. P. S. 102.

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- Ch. 346, §§ 1, 2, 5. Extended. 1887, 382. § 2 amended, 1888, 122.
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352. Superseded by 1892, 59. P. S. 2.

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- Ch. 24. In part repealed. 1889, 324. P. S. 159.
38. Repealed. 1888, 209, § 2. P. S. 208.
74. Amended. 1892, 133. P. S. 159.
83. Superseded. 1891, 411. P. S. 15.
86. Superseded. 1890, 242. P. S. 11.
- 96, § 1. Limited. 1888, 238. P. S. 91.
103. Amended. 1888, 305. P. S. 48, 74.
- 105, § 2. Amended. 1890, 30. P. S. 91.
110. Superseded. 1888, 390. P. S. 12.
112. Superseded. 1888, 257. P. S. 159.
122. Repealed. 1889, 301, § 10. P. S. 30.
127. In part superseded. 1892, 128. P. S. 103.
142. Repealed. 1888, 390, § 95. P. S. 12.
147. Repealed. 1890, 423, § 228. P. S. 7.
160. In part superseded. 1889, 238; 1892, 233. P. S. 17.
179. Repealed. 1888, 239. P. S. 41.
- 193, § 3. Amended. 1891, 137. P. S. 91.
196. Amended. 1888, 213. P. S. 116.
197. Repealed. 1891, 327. (See 1887, 197; 1890, 229.) P. S. 91.
- 202, § 5. Amended. 1890, 402. P. S. 32.
209. Superseded. 1892, 287. P. S. 5.
212. Amended. 1889, 111. P. S. 20.
214. Limited. 1888, 429, § 19. § 5 amended, 1888, 84. § 7 amended, 1890, 304. § 20 amended, 1891, 368; 1892, 47. § 31 amended, 1888, 141. §§ 42, 43, 44 revised, 1890, 26. § 60 added to, 1888, 151. § 62 amended, 1889, 378. § 73 amended, 1892, 372. §§ 78–82 affected, 1890, 197. § 80 amended, 1889, 356; 1891, 195. § 82 amended, 1890, 304. § 90 affected, 1892, 372. § 94 affected, 1891, 233. P. S. 119.
215. Affected. 1887, 280, § 1. Amended, 1887, 330. P. S. 48, 74.
219. Repealed. 1887, 276. P. S. 104.
221. Superseded. 1891, 429. P. S. 15.
234. Extended. 1888, 181. P. S. 220.

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- Ch. 245. Superseded. 1892, 143. P. S. 20.
 249. Repealed. 1890, 423, § 228. P. S. 27.
 252, § 13. Amended. 1892, 195. P. S. 58, 90.
 266. Repealed. 1888, 248, § 2. P. S. 89.
 269. Affected. 1892, 382. § 1 extended, 1888, 261. § 3 amended, 1890, 385. P. S. 74.
 270, § 1. Amended. 1892, 260. § 3 amended, 1888, 155; 1892, 260. P. S. 74, 112.
 272. Repealed. 1890, 423, § 228. P. S. 7.
 274, § 2. Superseded. 1889, 92. P. S. 154.
 280, § 1. Affected. 1892, 357, § 1. P. S. 48, 74.
 283. Affected. 1888, 154; 1890, 197; 1892, 129. P. S. 13.
 295. Shall not apply to provisions of 1890, 428. P. S. 112.
 342, § 2. In part repealed. 1891, 342. P. S. 13.
 355. Repealed, so far as inconsistent with 1888, 264. P. S. 221.
 361. Repealed. 1891, 125. P. S. 74.
 362. Affected. 1891, 249. P. S. 112.
 371. Repealed. 1890, 423, § 228. P. S. 27.
 373. Extended. 1889, 286; 1891, 116. P. S. 11.
 382, § 3. Amended. 1891, 274. P. S. 61, 106.
 399. Amended. 1891, 239. P. S. 74.
 403. Affected. 1892, 211. P. S. 221.
 404. Extended. 1891, 265. P. S. 38.
 406. Amended. 1888, 297. P. S. 100.
 411, § 11. Amended. 1892, 238. §§ 33, 42, 119, 128, 147, 148 amended, 1889, 360. §§ 27, 98, 99, 106, 107, 114 affected, 1891, 232, § 1. §§ 26, 28, 55, 58, 65, 69, 70, 71, 73, 124, 133 amended and § 168 added, 1890, 425. §§ 127, 128 in part repealed, 1891, 232, § 5. P. S. 14.
 423. Repealed. 1888, 90. P. S. 116.
 432. Repealed. 1890, 423, § 228. P. S. 6.
 433, § 1. Repealed. 1888, 348, § 12. § 2 amended, 1889, 135; 1890, 48, 299; 1891, 317. P. S. 48.
 437. Affected. 1889, 473. P. S. 21.
 438. Affected. 1888, 275. § 2 amended, 1890, 306. § 5 amended, 1890, 216. P. S. 16.
 441, § 2. In part repealed. 1890, 354; 1892, 407. § 4 in part superseded, 1889, 230, § 2. P. S. 86.
 442, § 1. Amended. 1889, 415, § 1. Affected, 1891, 407. P. S. 162.

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- Ch. 443. Repealed. 1888, 434, § 6. P. S. 100.
 447. Amended. 1888, 22. Affected, 1888, 403, § 1; 1891, 228.
 § 5 repealed, 1891, 228. § 7 repealed, 1888, 403, § 6.
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 448, § 1. Superseded. 1892, 388. P. S. 99.

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- Ch. 22. Amended. 1888, 403, § 5. P. S. 220, 221.
 23. Repealed. 1889, 440, § 14. P. S. 4.
 41. Superseded. 1889, 177. P. S. 21.
 58. Superseded. 1892, 271. P. S. 152.
 85. Repealed. 1889, 440, § 14. P. S. 4.
 90. Amended. 1890, 369. P. S. 116.
 120. Amended. 1890, 222. P. S. 116.
 122. Repealed. 1889, 440, § 14. P. S. 4.
 127. In part superseded. 1890, 44. P. S. 4, 116.
 146. Repealed. 1890, 423, § 228. P. S. 27.
 148. Affected. 1888, 380. P. S. 132, 134.
 149. Appeals given. 1890, 438; 1891, 261. P. S. 104.
 151, § 1. Amended. 1891, 291. P. S. 119.
 154. Affected. 1890, 197; 1892, 129. P. S. 13.
 155. Amended. 1892, 260. P. S. 74, 112.
 158. Superseded. 1889, 465. P. S. 11.
 164. Repealed. 1890, 423, § 228. P. S. 7.
 186. Repealed. 1889, 440, § 14. P. S. 4.
 191. Superseded. 1889, 440. P. S. 4, 116.
 199. Repealed. 1889, 451, § 8. P. S. 35.
 200. Repealed. 1890, 423, § 228. P. S. 6.
 203. Repealed. 1890, 423, § 228. P. S. 27.
 206. Repealed. 1890, 423, § 228. P. S. 27.
 207. Repealed. 1888, 426, § 14. P. S. 104.
 221. Affected. 1889, 191; 1890, 254. P. S. 27.
 223. Affected. 1892, 188. P. S. 91.
 239. Extended. 1889, 226. P. S. 41.
 254, § 1. Amended. 1889, 347. P. S. 100.
 256. Repealed. 1889, 440, § 14. P. S. 4.
 257, § 1. Amended. 1892, 95. § 3 repealed, 1891, 87, § 2. § 4
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 262. Amended. 1889, 361. P. S. 100.
 264. Superseded. 1889, 412. P. S. 221.

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- Ch. 274. Superseded. 1892, 104, 328. P. S. 150.
276. Repealed. 1890, 193. P. S. 91.
280. Affected. 1889, 418. P. S. 158.
287. Amended. 1892, 234. P. S. 91.
288. Repealed. 1889, 275. P. S. 70.
292. Superseded. 1891, 142. P. S. 92.
304. Amended. 1889, 112. P. S. 40.
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Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, Aug. 6, 1892.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing what general statutes have been affected by subsequent legislation have been prepared, and are printed as an appendix to this edition of the laws, by direction of the Governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

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